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OCT 24 2023

S.C. SUPREME COURT

In The Court Of Supreme Court
Of South Carolina

Appeal from Horry County
Court of Common Pleas

Honorable R. Ferrell Cothran Jr. Circuit Court
Honorable William H. Seal, Jr Circuit Court Judge
Honorable H. Bruce William Appeal Court Judge
Honorable John Geathers Appeal Court Judge
Honorable Jenny A. Kitching Appeal Court Clerk
Honorable Jerry D. Vinson Appeal Court Judge
Honorable Stephanie P. McDonald Appeal Court Judge
Honorable E Lockemy James Appeal Court Judge

Case # 2021-001271

Jamie Goss Appellant

✓

Mark Raymond Respondent

Jamie Goss 294885
R-C-I / BA-37
P.O. Box 2039
Ridgeland S.C 29936

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Certificate of Counsel

Petition certifies that the petition for rehearing was made and finally ruled on by the Court on Sept. 22, 2023, Petition received the order Sept 27 2023. ON Oct. 5 2023 Petition file rehearing EN BANC in the Court Of Appeal with NO responded.

Statement Of The Case

Petitioner file Pro Se Motion for Compassionate Release under extraordinary Circumstance in the jurisdiction of Horry County Court of Common Pleas. Presiding Honorable R. Ferrell Cothran Jr. denied aformentioned motion consequently Closing Case. Petitioner appeal drafting a motion ~~to~~ to amend Supplement fact finding under provision of S.C.R.P 59 e and 52 b and Humbert V. State 345 S.C 332, 548 S.E 2d June and Marlar V. State 375 S.C. 407 653 S.E 2d 266 Nov. 5 2007 Question of law and fact later denied by Honorable William H. Seal. Petition appealed for emergency extraordinary Circumstance bond; Honorable Chief Bruce William denied motion and Rehearing was denied. Later The Court Of Appeal denied Petition Appeal by Honorable John Geather. Petition Rehearing was later denied by 3 panel Judge by Honorable Jerry D. Vinson Honorable Stephanie P. McDonald Honorable E. Lockemy James Court Judge. Petition draft motion for rehearing and En banc, still pending in the court of Appeal.

Question Presented

1. Was the Court of Appeal Negligent in considering these exceptional Circumstance pertaining to obstruction of Mail by third party as outlined in Section 18, U.S. Code 1701?
2. Was the Court of Appeal unaware of the significant importance when the Horry County Clerk of Court sent a faxed document prior to the Case being denied?
3. Was the Force Majeure clause, which was submitted prior to the denial of the case overlooked by the Court of Appeal in accordance?
4. Did the court of Appeal Overlook the Frustration Doctrine?

5. Was the Court of Appeal unaware of the significant significance of my sudden and intense or distressing prolonged duress stress disorder resulting from Covid-19 during which I nearly lost my life in shower which continues to afflict me with difficulties?
6. Has the Court of Appeal Neglected to Consider Article 12 section 2 of the S.C. Constitution, thus breaching my right to due process and denying me the freedom to comply with a court order as Guaranteed by the United States Constitution?
7. Did the Court of Appeal overlooked the United State guideline for force Majeure Clause about the important of the case as a whole before making a ruling?

Argument 1

I was notified of a rejection of my appeal on June 13 2023 with the order being signed by Honorable John Geather (please refer to Attachment 1) This order was officially filed in the court of appeal on June 9 2023 granting me a 30 day window to further appeal this Issue As per the regulation outlined in Rule 5(b) of court of Appeal. As per the regulation outlined in Rule 5(b) of court of Appeal (SCPR) this information stand? IN light of the exceptional circumstances it is imperative to apply the mail box rule as established in the case of Houston v. Lack 487 U.S. 266, 276, (1988) which allows for a five-day grace period Regettably, my case dismissed by the court Appeal on July 17 2023, However as per Rule (5) b the court of Appeal should have only dismissed my case after July 18 2023.

Argument 2

Recently I had an unsettling experience with the court Administrative Procedures. I had the Horry County Clerk of Court sent the necessary paperwork via fax, but after waiting for almost three from June 2023 to July 13 2023. I still hadn't received any information concerned about the delay, I contacted the Court of Appeal Clerk over the phone. To my surprise they informed me that the case would be dismissed as of July 13 2023 due to my failure to provide the required document. This unexpected turn of event caused me great distress especially considering the on going Covid-19 Pandemic.

Argument 3

The term Force Majeure encompass a wide range of event and circumstance that are beyond the control of the party involved. These include act of God, such as Natural disaster as well as action by public enemies. Additionally it includes occurrences like fire accident break down strikes differences with worker and any other disturbance in the industrial, civil or public domain. It as refers to act or omissions that are beyond the party control due to legal restriction or restraint imposed by law. The motion Force Majeure Clause was file in the Court of Appeal before the case was dismissed and should be consider as a matter of law.

Argument 4

Did the court of Appeal Overlook the Frustration Doctrine?

Argument 4

The frustration doctrine is a legal principle that allows parties to be released from their contractual obligations if unforeseen circumstances make it impossible or impracticable to fulfill those obligations. In recent years, there have been concerns that the court of appeals may have overlooked this doctrine in cases where individuals face significant challenges while trying to carry out their legal work. This article aims to explore the issue and shed light on the potential consequences of such oversight.

Lack Of Basic Facilities

One of the primary arguments raised is the lack of basic facilities available to individuals working within the legal system. The absence of tables for eating or doing legal work can greatly hinder productivity and overall well-being. It is disheartening to witness people struggling to find a place to eat or work, especially in an environment where time is of the essence.

Insufficient Time Allocation

Additionally, individuals may not have been granted proper time to adequately prepare their cases. The court's failure to provide sufficient time for individuals to gather evidence, consult with legal

Professionals or even review their own arguments can severely impact the outcome of a case. Justice should not be compromised due to time constraints.

The Consequences

The consequences of overlooking the frustration and failing to address these issues are significant. People's lives are at stake and justice must prevail. When the law library is closed sometimes for week on end, individuals are left without vital resources that could potentially make or break their cases. This lack of access to legal materials can result in severe injustice.

Inadequate Internet Connectivity

Moreover the unreliable and frequently malfunctioning Wi-Fi further exacerbates the challenges faced by those trying to navigate the legal system. In today's digital age access to the internet is crucial for conducting research, communicating with legal professionals and staying up to date with legal development. Without a stable internet connection, individuals are left at a severe disadvantage.

Reevaluating Facilities

Firstly step must be taken to provide suitable facilities within court premises, having tables available for eating and working would greatly enhance productivity and alleviate

the stress faced by individuals

Allocating Sufficient Time

Secondly the court should reevaluate its time allocation practices. It is essential that individuals are given ample time to prepare their cases thoroughly. This will promote a more equitable legal process and prevent rushed decision that may lead to injustice. The court of appeals must not overlook the frustration doctrine and the challenges individual face while trying to carry out their legal work. By addressing lack of basic facilities, allocating sufficient time and enhancing connectivity the court can ensure a fair and just legal system. It is only through acknowledging and rectifying these issues that we can hope for a society where justice prevails.

Argument 5

My Sudden ~~an~~ Intense or Distressing prolonged Duress Stress Disorder Resulting from Covid-19

The global Covid-19 pandemic has unleashed unprecedented challenges upon individuals, communities, and societies at large. Among the myriad of repercussions, the mental health toll has been particularly severe for many individuals, myself included. This article aims to shed light on the profound impact of my sudden intense or distressing prolonged duress stress disorder resulting from Covid-19 from the fear of losing my life to the debilitating symptoms that persisted long after recovery. I have been left traumatized and struggling to cope. The circumstance in the environment continues to afflict me with difficulty exacerbating my already fragile state of mental health. The shortage of staff within the prison system and overcrowding have created an environment that further hampers my ability to heal and find solace. The third-party responsible for passing out mail often falls short resulting in delay that hinders progress on my case and impedes justice from being served. In an effort to address these challenges, I took matter into my own hands and filed a force majeure motion in court. However when I contacted the court of Appeal on June 13 2023, demanding a resolution

to my case. I was met with a dismissive and loud voice. This dismissive attitude only serves to exacerbate my stress and trauma. The inability to comply with court order due to the stressful prison environment further compounds my distress. Life within the prison system has been nothing short of arduous. The scarcity of staff has led to a breakdown in communication and empathy towards inmates. When I bring forward concerns regarding mail and court orders, my pleas fall on deaf ears. The short-staffed and overcrowded prison environment creates an atmosphere where no one can focus or effectively address the need of those within its walls. Under these extraordinary circumstances, it becomes increasingly difficult to find respite and cope with the ongoing stressors. The toll on my mental health is immeasurable and the lack of support within the prison system only exacerbates this burden. It is imperative that we recognize the importance of mental health, particularly in times of crisis and provide the necessary resources and support for individuals grappling with the aftermath of Covid-19.

Argument 6

In the realm of legal matters, it is crucial to thoroughly understand and appreciate the significance of constitutional provisions. Specifically, Article 12 section 2 of the South Carolina Constitution holds exceptional importance as it directly affects the fulfillment of court orders and an individual's exercise of free will. This article aims to delve into the implication of this constitutional provision, particularly in relation to hindrances imposed by the South Carolina Department of Corrections (S.C.D.C.). The S.C.D.C. restriction on mailing, receiving, and transporting mail have created a challenging environment for individuals bound by contracts with the department. Consequently, it is essential to evaluate the potential impact on court deadlines and the overall ability to fight legal cases under such extraordinary circumstances. Individuals who find themselves under a contract with S.C.D.C. face significant limitations in carrying out court orders and meeting associated deadlines. The department's restriction on mailing out and receiving mail, as well as transporting it to and from the courthouse, hinders an individual's ability to fulfill their legal obligations. The contractual restraint raises questions about the exercise of free will and the extent to which individuals can be held accountable for court deadlines.

while bound by such a contract.

Violation of Article 12 Section 2

For staggering period of 17 years, the S.C.D.C has consistently violated Article 12 section 2 of South Carolina Constitution. The constitutional provision guarantees certain right and liberties, which have been compromised by the department actions. The violation stems from the S.C.D.C's persistent shortage of staff and overcrowding within prison. These conditions prevent the proper operation and functioning of department in accordance with Article 12 section 2 consequently impeding individuals access to justice and violating their right under the United States Constitution. Under the exceptional circumstances caused by the S.C.D.C. violation of constitutional provision individuals find them selves grappling with limited freedom liberty and equity. The inability to exercise their free will due to contractual obligation with the department places an undue burden on them. By restricting access to vital legal resources and hindering their ability to meet court deadlines, the S.C.D.C. actions undermine the principles of freedom, liberty and equity that the United States Constitution guarantees

Question of Law

Given the intersection between constitutional rights, contractual obligation, and the practical challenges faced by the S.C.D.C a fundamental question arises. Can individuals be held

responsible for court deadlines when operating under such extraordinary circumstance? It is crucial to thoroughly examine this question and consider the broader implication for the justice system as a whole.

Argument 7

The court must consider the exceptional importance guideline Force Majeure with the overall case especially Henry McMaster executive order; Issue ①

Did the appeal court judge err in failing to give Jamie Goss bond according to the Gov. Executive order 2021-22 state of emergency as a life and death situation? Issue ② Did the appeal court

err in failing to use injunction power during Covid-19 because S.C.D.C. cannot follow CDC guidelines? ③ Issue Did appeal Judge err in failing to release Jamie Goss under extraordinary circumstance pertaining to the CARE ACT?

④ Issue Did appeal judge err in failing to give Jamie Goss due to overcrowding and short of staff in every department? ⑤ Issue

Was Jamie Goss argument raised in proper form and venue? ⑥ Issue Did Judge err in failing to apply Federal Statutes where State

did not exist? ⑦ Issue Due to all institution operating under S.C.D.C. Recognized short of staff security concern, not providing proper disinfecting cleaning supplies?

- ⑧ Issue My mother is hosting a life threatening illness which requires her to rely on respiratory breathing machines whom is also the legal guardian of two petitioner children 14 and 15 ?
- ⑨ Issue My wife is currently in the custody of the Dept. of Immigration awaiting deportation to South America, She is or has custody of our 2 children, singly providing child care for both our children 15 and 16 ?
- ⑩ Issue Did courts fail to acknowledge Covid-19 as a condition in the language of statute governing Compassionate release in South Carolina?

CONCLUSION

For the reason stated, Petitioner ask the court to grant the petition for writ of certiorari Especially with the New Ruling case from the United State Supreme Court Case Roe V. Wade because my privacy dealing with mail and my ~~life~~ life for the last 17 and half years. I pray in Jesus Name that this court have understanding.

Jamie Lopez

Argument 7

The Court most consider the exce

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Case # 2021-001271

Jamie Goss Appellant

v

Mark Raymond Respondent

I Jamie Goss has Certify a copy writ of certiorari to the Court of Appeal, Attorney General Office, and Supreme Court on Oct. 19 2023.

Jamie Goss

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