

State Of South Carolina
IN THE COURT OF APPEALS

Appeal From Horry County

Honorable R. Ferrell Cothran Jr. → circuit.

Honorable William H. Seal, Jr. → Court

Honorable Chief Bruce William → Appeal court

Case No. 2021-001271

The State

Respondent

VS.

Jamie Goss

Appellant

RECEIVED

Record On Appeal SC Court of Appeals

APR 17 2023

Pro, Se Appellant

Jamie Goss 294885

Ridgeland Correctional Institution

Post Office Box 2039

Ridgeland South Carolina

29936

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Orders

Don't have the order from Bond hearing in the Court of Appeal.

I want the Bond hearing to be on the Record of Appeal.

~~XXXXXXXXXX~~

STATE OF SOUTH CAROLINA
COUNTY OF Horry

ORDER IN A CRIMINAL CASE
WARRANT(S) K602194

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2006GS2604735

State of South Carolina

JAMIE GOSS

DEFENDANT(S)

MOTION FOR COMPASSIONATE RELEASE

This form order
submitted by: Asst. Sol. Seth Oskin

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 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____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: _____

2021 AUG - 9 AM 11:00
 RENEEM ELVIS
 CLERK OF COURT
 Horry COUNTY SC
 FILED

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 : _____

Seth Oskin

Circuit Court Judge

2144

Judge Code

Aug. 4, 2020

Date

843 905 8621

STATE OF SOUTH CAROLINA
COUNTY OF Horry

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Date

5

SMO

For Clerk of Court Office Use Only

This judgment was entered on the 9th day of August, 2021 and a copy mailed first class or placed in the appropriate attorney's box on this 9th day of August, 2021 to attorneys of record or to parties (when appearing pro se) as follows:

SETH OSKIN
[Signature]
ATTORNEY(S) FOR THE STATE

ATTORNEY(S) FOR THE DEFENDANT(S)
Renee N. Elvis
CLERK OF COURT

Court Reporter:

FILED
2021 AUG -9 AM 11:00
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

6

Judgment

- No judgment or opinion was considered during deliberation.

Decrees

South Carolina Executive Order 2021-22
State Of Emergency

Supremacy Clause gives rise to the right
which have been violated in accordance
with S.C. Constitution Art. I Section 15

The Care Act would be the way
out if the Judge would have over
ride the State law

Decisions

No consideration was made reaching
a conclusion of Law,

Pleadings

South Carolina has no state Statute with language governing release to inmates after Covid-19, Extraordinary Circumstances, over-crowded and understaffed during the covid-pandemic which is a security threat to the public and incarceration prison as well

The South Carolina Department of Corrections was short of staff for more than 15 year's It's no way . this Agency Can follow Policy or protocol under these Extraordinary Circumstances doing Covid-19 and Declaration of Policy statute in the 1976 Code Annotated

My suffer and pain with worrying what will happen to me in the future from covid-19 and the overcrowding of prison and short-of staff with my mental health issue

Punitive damages

Unreasonable Risk Of Harm

Unwarranted exposure to the possibility of a Negative Consequence

Unreasonable risk of great bodily injury or death means substantial probability of great bodily injury or death may occur

Unreasonable risk is the risk Judged to be unacceptable in a certain context According to Valid Societal Moral Concepts

The quantum of risk that a reasonable person would be unwilling to take with the Safety or Welfare of Care recipients

Transcript

1 Office, represented him on the underlying offense,
2 which he is currently incarcerated, and so I'm here to
3 assist him. It makes it a little more difficult -- we
4 were thinking this would be done through virtual
5 court, which would make it easier for me to actually
6 direct examine him; but in that regard, I will give a
7 statement going through his motion, and then the
8 Court, I guess, can have a colloquy with Mr. Goss and
9 supplement his motion with his testimony.

10 THE COURT: What do you want to tell me,
11 Mr. Goss?

12 MR. GOSS: How are you doing today?

13 THE COURT: Wait. Is anybody else in the room
14 with you?

15 MR. GOSS: No, sir.

16 THE COURT: Can you take your mask off? It's
17 hard to hear you. Okay.

18 MR. GOSS: I said I'm here today giving the God
19 the glory that he gave me the opportunity that I
20 survived through the Covid-19, and I'm filing a motion
21 for compassionate release for extraordinary reasons.
22 Due to South Carolina Department of Corrections and
23 SCDC's lack of assurance, inmate population and lack
24 of cleaning supplies and (Webex system pauses) -- I
25 have a breathing problem. My second issue is my mom

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1 has a life-threatening illness which requires her to
2 rely upon a breathing machine, and she's in custody of
3 my two kids: Jamie Elston (phonetic) and Sarina
4 Elston (phonetic). My third issue is that my wife is
5 currently in immigration removal from the U.S. with
6 two of my kids, and I would like to sum this up, Your
7 Honor.

8 The first issue, I contacted my attorney to
9 subpoena eight random people that I picked that went
10 through the same situation here with Covid-19 due to
11 overcrowding and not following CDC social distance.
12 My attorney -- they didn't never get a subpoena; that
13 was my first allegation.

14 My second allegation, I speak with my attorney
15 about subpoenaing my mom's doctor, Dr. Young. He is a
16 respiratory specialist, and he can prove the
17 allegations with my mom.

18 THE COURT: Okay. Tell me what is wrong with
19 your mom. What disease does she have?

20 MR. GOSS: Due to family traditions {sic}, that
21 is something they keep away from me, because they know
22 I can't take it. Like, when my grandma died -- see, I
23 was brought up in a house with eight women. When my
24 grandma died, they never told me that because they
25 know I can't handle it. Every day I talk to them, all

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1 I do is cry because all my mom is saying is, Son,
2 please take care of the kids. She's on an oxygen
3 machine. She's the only person in Georgetown Hospital
4 that made it out with Covid-19 at the time that the
5 doctors speaked {sic} to my sister and told them they
6 rarely (Webex pauses).

7 THE COURT: So your mom had Covid?

8 MR. GOSS: Yeah. She was the only one that made
9 it under the condition that she -- every time it's --
10 like, I don't even know it's her anymore because of
11 the situation of Covid-19. She can't eat. And why
12 I'm so serious, last week the school called the house
13 saying that -- my mom told my daughter -- and she's
14 supposed to be online, virtual, in class. She's in
15 the room. My mom is so sick. My daughter told her
16 she was in school. Come to find out, the teachers
17 called the house, and she's absent. Where is she?
18 These are the type of conditions that -- I don't want
19 my kids going through what I had. I had to go through
20 this because God had to put me through this so I could
21 help the next person. If I couldn't have this
22 testimony with all the stuff I had been through in
23 life, I could never help no one.

24 Back with my wife. We was going through -- fight
25 immigration. They came here, blood testing me for my

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1 kids due to all of my court -- first of all, let me
2 put this on the record. My wife, we was common law
3 married when I came here. Because me being
4 incompetent of the law over the 15 years or 14 years,
5 I didn't know that South Carolina don't -- immigration
6 don't recognize common law marriage. So the only
7 reason why she overstayed her Visa with my two kids,
8 we have cases fighting immigration due to my
9 incarceration. We got married in Horry County
10 Courthouse, and give the God the glory on that giving
11 me an opportunity to get married. But she's -- they
12 still won't recognize it, and they keep putting the
13 hearings off because of my court dates.

14 And I get -- once again, I'm doing this for God.
15 I'm not even doing this for me, because he gave me the
16 opportunity to come before you to make this decision.
17 Like, in law, Chief Justice Beatty gave South Carolina
18 judges the authority to release incarcerated inmates
19 for non-capital offenses due to Covid-19; 19-8 of
20 South Carolina, it talks about -- on the Covid 19, it
21 talks about the sanitation. And, Your Honor, under
22 forthright of prisoners 19-14, under the Constitution,
23 it explains and gives you the discretion to make a
24 decision today. Even though I would like to have a
25 witness to talk to you because of this extraordinary

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1 reasons, because tomorrow is not promised. Somehow,
 2 my attorney couldn't get them here. I notified him
 3 through the clerks. I talked to her yesterday and she
 4 said she's been emailing him all week. He never
 5 responds to her emails, and this is a very critical
 6 situation. Nine people died, people still coming in
 7 with Covid 19, and it's just unusual punishment,
 8 cruel.

9 THE COURT: Have you had Covid?

10 MR. GOSS: No, sir, I have not, because of the
 11 simple fact that I felt like I had it, due to one --
 12 when they went to test the unit, it was like 65 or 75
 13 people had Covid 19, and they stopped testing because
 14 they had to take all 75 of the people, put in a gym
 15 because the prison is overcrowded. They don't have no
 16 equipment.

17 THE COURT: Okay. Do you currently have any
 18 illness or any diseases that puts you in a terminally
 19 ill situation?

20 MR. GOSS: Yes, sir. Due to -- being I'm
 21 supposed -- I have apnea, breathing. I'm supposed to
 22 have that machine, but due to Covid 119, they got me
 23 scheduled to go back June.

24 THE COURT: You sleep with a CPAP machine?

25 MR. GOSS: I have to go get a CPAP machine,

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1 because I got apnea.

2 THE COURT: Okay. Anything else you want to tell
3 me?

4 MR. GOSS: Yes, Your Honor.

5 THE COURT: Yeah, but you need to tell me what
6 has to do with this.

7 MR. GOSS: The reason I'm filing this today, Your
8 Honor, due to South Carolina Constitution Article 1,
9 Section 15, cruel and unusual punishment. I'm back
10 here overcrowded, around a bunch of more sickness
11 people, and I see -- it's more congestion for me and
12 my safety. I have a very bad illness with infection.
13 SCDC, every time they swap it, they swab it and test
14 it and can't find out, but it smells like sewage. I
15 have a bad infection in me for the last seven years.
16 I don't know where it come from, but it just came upon
17 me. Every time they test it, they can't find out
18 what's wrong. These big things and all come out with
19 puss on my face. All of this stuff is playing a big
20 part because of immune system. It is so difficult.
21 In my groin area, same thing with the infection
22 real bad and they can't find out what is wrong with
23 me. I'm very scared with the environment I'm in.
24 They can't bring nothing in to help us. And due to
25 the overcrowding of the prison, they can't even do

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1 THE COURT: But right now you have not been
2 diagnosed with any disease?

3 MR. GOSS: Only disease I have right now is my
4 cholesterol, and they are working around that. Doctor
5 told me three years ago I'll die if I didn't take
6 medication.

7 THE COURT: Okay. So he's giving you medicine
8 for that?

9 MR. GOSS: Yes, sir. And it's still up high;
10 they don't know why.

11 THE COURT: Let me hear from the State.

12 MR. OSKIN: Yes, sir. I'll be brief. Two points
13 of contention to this motion. First, the State
14 believes this is the improper form for this motion.
15 Any defendant who is seeking compassionate relief,
16 state law has a statutory law process for that; it is
17 24-21-715, parole for terminally ill, geriatric, or
18 permanently disabled inmates; also commonly known as
19 compassionate release. It clearly states in that
20 language that the defendant must be terminally ill as
21 determined by a licensed physician, who has incurable
22 condition by illness or disease that has progressed to
23 render the inmate terminally ill, and that will likely
24 produce death within two years, and that it is so
25 debilitating that the inmate does not pose a public

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1 [safety risk.]

2 [Geriatric] means an inmate [over 70 years,
3 [permanently incapacitated], that would be a [mental]
4 [condition such as dementia] or something like that that
5 would make him [cognitively dysfunctional].

6 He doesn't meet any of that criteria; further,
7 [there is a process for inmates to get compassionate]
8 [release, and that is brought by] the -- I referenced it
9 in my motion to you -- [that is done after petition]
10 [from] the [Department of Corrections themselves]. [They]
11 [bring that to the parole board]. [They have the sole]
12 [authority to determine and grant compassionate]
13 [release].

14 This defendant meets none of that criteria. He
15 tries to quote some federal statutes to bring it into
16 this arena. He doesn't meet any of that criteria
17 either. That is through the director of Bureau of
18 Prisons. That's a federal agency; and even there, the
19 defendant would have to be at least 70 years of age,
20 has served 30 years in prison. He meets none of those
21 things.

22 The extraordinary circumstances are the health of
23 the family members and the children, and none of that
24 applies to him personally. I think this motion should
25 not be in this courtroom, quite honestly. It should

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1 be denied. I know you are aware of it, but I have the
2 statutory law for South Carolina's compassionate
3 release.

4 THE COURT: I understand.

5 Did you hear what he told me?

6 MR. GOSS: Yes, sir. Yes. I would like to
7 object what the State is saying in reference to
8 compassionate release. The State is correct about
9 that, but the State is not correct about extraordinary
10 reasons. It is Part 2 in dealing with spouses with
11 kids; that is why Judge John granted this motion to be
12 heard. I explained to him, but I was incompetent of
13 the law. And he wrote this letter and let me know and
14 stated, I appreciate your concerns as set forth;
15 however, your comments are not in proper motion.

16 So I wrote him back, because I contacted SCDC, as
17 the state officer said on the record, that I must
18 follow these procedures. These procedures was -- I
19 went through the ward; no response. I went through
20 the director; no response.

21 THE COURT: Let me ask you this: How do you
22 think I have jurisdiction? This is a parole board
23 issue. I don't have jurisdiction. The statute that
24 deals with what you are trying to get is the
25 24-21-715, and that is all a parole board issue. I

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1 don't have authority to release you.

2 MR. GOSS: Under Chief Justice, on rights 14 --
3 full rights of prisoner, releases inmates under these
4 conditions. And due to U.S. Constitution --

5 THE COURT: That is pre-sentenced inmates -- hold
6 on a minute. Chief Justice is for pre-sentenced
7 inmates; not one that has been sentenced. That is
8 people waiting trial.

9 MR. GOSS: Okay. I understand that, Your Honor.
10 Under U.S. Constitution Article 6, the attorney just
11 stated for the record, Your Honor, this is a decision
12 that has to be taken care of today because a lot of
13 circumstances. I could be in the people that died in
14 SCDC due to Covid-19, and nobody cares. Like my life
15 doesn't really matter. Nobody cares about my two
16 kids. And because of my wife's circumstances, under
17 extraordinary reasons, Your Honor, I'm here today --
18 God gave me this opportunity to come before you and
19 put this burden in -- you are the king in this
20 situation.

21 THE COURT: I understand that, but I don't have
22 any legal authority to grant your wishes. That is up
23 to the parole board. I can't change the sentence, and
24 I can't let you out under that statute. It is all up
25 to them. I don't have any legal authority to let you

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1 out.

2 MR. GOSS: But Your Honor, under the federal --

3 THE COURT: That's is federal law. If you are in
4 federal custody, you would have different issues. You
5 are in state custody, and it doesn't apply to me.

6 MR. GOSS: Your Honor, I'm sorry about the
7 inconvenience and if I'm not presenting this in a
8 manner that you understand. In the CARE Act, Donald
9 Trump, he didn't forfeit -- he gave them the reason to
10 come before the parole board the BOPs, the federal
11 court, they was not granting people -- they wasn't
12 people in prison no attention so he give everyone with
13 long-term sentence to file these motions; that is why
14 I filed it to the chief judge, John.

15 THE COURT: I understand that, but that all deals
16 with federal inmates; nothing to do with state
17 inmates.

18 MR. GOSS: Well, Your Honor, under the
19 Constitution, this is an untrue -- this is a cruel and
20 unreasonable punishment that I'm bringing before you
21 today and hoping you understand my situation because
22 tomorrow is not promised. My kids -- my life doesn't
23 matter. A lot people died, 40 people all in SCDC, the
24 yard is in quarantine, the prison is overcrowded. I'm
25 begging you in the name of Jesus Christ, at your

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1 to South Carolina Rule of Civil Procedure 5980 South Carolina
2 Rules of Procedure 52(b) in Howard versus State 345 sc 33
3 (inaudible) motion to alter or amend and make additional fact
4 finding, South Carolina Rules of Civil Procedure. (inaudible)

5 The defendant will respectfully show this Honorable Court
6 the following: (inaudible) she cannot recover from Covid 19.
7 Every time I call her she's smoking pot. And it's so
8 unbalanced for me to stay in and talk to her like I'm supposed
9 to. Every reason my wife is currently is in custody of
10 immigration, deportation from the US. She not with two of my
11 kids. (inaudible) my kids is in and out of hotels all over
12 the place. They don't have -- they can't get no help and all
13 of this is because when I was on the street -- because I don't
14 have custody in the law, I thought immigration recognized
15 common law marriage, which it didn't. So she has two of my
16 kids (inaudible) Venezuela and (inaudible) Venezuela. And we
17 had a long talk because they just moved again to another
18 hotel. She's telling me my little son goes to school smoking
19 pot in the bathroom getting high, and that bothers me. I
20 never had a father who been in my life and I wanted to be in
21 my kids life.

22 I'm only locked up for 12.3 grams of crack. I did 15
23 years. And I'm asking this Court today -- I'm going to get
24 back to this, the merits claim is supported by statutes and
25 established law, the US Constitution and South Carolina

1 Constitution. The US Constitution is mandated on the
2 supremacy clause (inaudible) South Carolina Constitution
3 Section 2, which states that the provision of the South
4 Carolina Constitution is mandatory. Specifically, this motion
5 to this Honorable Court for further fact finding and further
6 adjudications are required by South Carolina Rule of Civil
7 Procedure 15 59(e). In this (inaudible) procedure, error of
8 law, facts, suppression by not fully adjudication of his words
9 it will render the judgment incomplete of being (inaudible)
10 while entitled defendants to appeal as stated in the law of
11 the State of South Carolina, South Carolina code 18-1-30 and
12 South Carolina code 18-1-130.

13 In South Carolina Appellate Rule 201 I have a fair
14 opportunity to be fairly heard, South Carolina Procedure Rule
15 12(b). Defendant also has to seek the leave of Court to grant
16 the motion and also request that this Honorable Court protects
17 his right to do a brief on his behalf (inaudible) and
18 competent ability of the counsel Ronald Hazzard, who
19 represents (inaudible) the motion.

20 Mr. Hazzard has a long history of professional misconduct
21 and criminal violations that results in suspension. The
22 Ronald case will confirm such. Ronald Hazzard 355 SC 328 and
23 Ronald Hazzard 377 SC 482 and 38 SC 217 despite the fact that
24 he has been reinstated to practice law again here in the State
25 of South Carolina.

1 South Carolina Constitution by (inaudible) his suspension
2 (inaudible) degree or not. Long term practice in US Court of
3 Appeals for (inaudible) certificate to practice law and
4 represent a (inaudible) in Magistrate Court, South Carolina
5 Magistrate Court Rule 21. I'm not questioning his credential,
6 however, I'm not accusing him of any wrong doing or implying
7 that he was wrong. I will say this much, his sufficiency is
8 not right.

9 The defendant respectfully pray that this Honorable Court
10 address this motion and makes a ruling on the merits of the
11 case and also schedule additional hearings because since the
12 filing of the motion for compassionate relief, defendant
13 tested positive for Covid 19 which requires that he be
14 outpatient to Kirkland Institution for medical treatment. To
15 expose the defendant to this serious pandemic will amount to
16 cruel and unusual punishment. On the Evans versus (inaudible)
17 93553 8757 August 23, 2019.

18 I want to get back to the -- they didn't even let me know
19 I had court today. I didn't even know I had court. The Holy
20 Spirit said bring all this paperwork and that's what I did. I
21 have a little bit more.

22 Back here I came before the Court before I had caught
23 Covid because of the circumstances with my kids for
24 extraordinary reasons. The solicitor keeps interjection and
25 his response was he's speaking about compassion release but

1 not extraordinary reasons. Extraordinary reasons come with I
2 could have died because the hearing we had Judge told me he
3 would give me a decision in two weeks. And it took over nine
4 -- like 100 and something days and then they sent me a sheet
5 of paper saying denied and not telling me why. And then I
6 caught Covid-19. At the last hearing the solicitor told me
7 the procedure that I go through. I went to the warden; I went
8 to the director; I went to the parole board. They said they
9 can't do nothing, so I have to use the supremacy clause of the
10 United States to put my case in because the Judge says he
11 didn't know if he could release me at that moment because this
12 is something new to him. He tell me to give him two weeks and
13 he would let me know. And like three or four months later I
14 got a packet in the mail saying denied for no reasons.

15 And I feel like my appeal (inaudible) and I thank the
16 Good Lord today that I'm here and I have an opportunity to
17 speak to you. Because today you've got 1,000 inmates on this
18 yard and there's two officers floating around and they can't
19 make the rounds like they're supposed to. This has been going
20 on for the last three years. I mean my life means something
21 to me for my kids because I just want to be there for my kids.
22 And the solicitor just he never really -- in the state's
23 response to defendant's motion for compassionate release due
24 to extraordinary reasons, petitioner has filed a motion asking
25 the Court to reduce his sentence to a period of 18 years see

1 section 28 82(c)1(a) and immediately release on the Covid 19
2 pandemic and the effect on his family who are not incarcerated
3 and the minor children. The State of South Carolina
4 respectively oppose this motion.

5 The Court should deny this motion for several reasons:
6 first, the Federal statute that the petitioner sites only
7 deals with federal cases and federal inmates. I would like to
8 object to that because I'm bringing this motion under the
9 supremacy clause. The petitioner can not receive the relief
10 he is seeking through the state statute before a Circuit Court
11 Judge in South Carolina. I would like to object to that
12 because I have already been in front of Judge Culbert (ph).
13 All of the statutes that he (inaudible) I attached it to the
14 motion. It said that the only person that can do anything
15 with this right here is the Circuit Court. The Parole Board
16 said the only -- they didn't say the only thing but they said
17 they cannot have nothing to do with Covid 19. I asked the
18 director, the director states that they don't have a policy
19 stating that I can be released under (inaudible) Act. Donald
20 Trump, he said that just because of the simple fact of the
21 pandemic, that the simple fact of the pandemic -- I mean
22 parole board, VOP, they are not, they are not treating this
23 matter fairly. And I have the right under the South Carolina
24 Constitution to file this motion to ask this Court to have
25 mercy on me and my family during this pandemic because of the

1 circumstances. Even if this Court puts me on house arrest.
2 I've been locked up 15 years for a 12.3 grams of crack. I
3 want the Court to know I did what I was supposed to do, I took
4 it like a man. I thank God every day that I came to court
5 because Jesus Christ came and changed my life. He really
6 honestly changed my life. And this is very, very important in
7 my life and my kids. All I can think about is the future and
8 steering these kids back right. That's my goal in life. I
9 want to call on God. I had to go through this. I do not
10 regret not one minute of going to prison for 15 years for 12.3
11 grams of crack. Anytime I talk to people they say this guy
12 here gots to be crazy. No, I'm not crazy. I needed that, I
13 needed that because I didn't know no better. I got caught up
14 with the wrong ones. I never had a father. I just want to
15 let the Court know today that I can reach people and change
16 their life and that's what I'm trying to do with my kids. And
17 this matter is so serious back here, people dying. Last year
18 I went to the Chaplin and he showed up a video, it was nine
19 inmates died here with Covid 19. That's not the status of
20 SCDC. SCDC is short staffed and my life really do matter.
21 Overcrowded, no clean supplies. I caught Covid, still going
22 through the process. I got apnea (inaudible) sleep apnea, I
23 mean I can't get no attention. I'm just asking for this Court
24 to have mercy and understand the motion that I'm filing today.

25 Thank you.

1 **THE COURT:** Thank you.

2 Solicitor, would you like to reply?

3 **MR. OSKIN:** Yes, sir, Your Honor. I'll be brief.

4 Your Honor, the same main four claims that Mr. Goss has
5 made in regards to his family, his wife's immigration status,
6 his marital status, all of that stuff is the same, for the
7 large part, as it was from the April 16th, 2021 motion. The
8 motion for compassionate release due to extraordinary
9 circumstances, those would be the extraordinary circumstances
10 that he argued in April and that were part of the motion that
11 Judge Cothran denied here recently.

12 The only new additional fact finding that he's asking you
13 to do is to now mention that he's caught Covid. He briefly
14 mentions Mr. Hazzard, although he's filed this motion pro se,
15 that shouldn't be any grounds for any new fact findings.

16 This case boils down to a few things. This is the
17 improper venue for compassionate release. The supremacy
18 clause doesn't change that here as it pertains to the State of
19 South Carolina. South Carolina has a statute for
20 compassionate release and that applies to people who are
21 terminally ill or over a certain age, none of the requirements
22 which Mr. Goss meets. He talks about the health issues in the
23 prison. He has wrote the warden, and the warden has responded
24 to him about getting clean air and HVAC and the measures that
25 the prison that he's at is taking to try to provide the best

1 environment they can for them. And as I don't have to say,
2 everyone in this room understands and Mr. Goss does too, Covid
3 is everywhere. It doesn't matter if it's SCDC, this
4 courtroom, outside, it's no -- that's no different, as it's
5 rapidly spreading throughout our state at various times.

6 Your Honor, this simply isn't the venue for it, and the
7 reason that the Appellate Court hasn't heard it, I can't speak
8 for the Appellate Court, I'm not an Appellate Court Judge.
9 But it's improperly heard; this is not the venue for it to be.
10 I would just ask you to deny this motion with prejudice.
11 We'll submit the Form 4. Mr. Goss has asked for an
12 opportunity to be heard; he's been more than heard two times
13 now. It's improper venue. We have a statute for
14 compassionate release, no additional findings, other than just
15 an attempt at mercy or hope. There's no legal jurisdiction
16 for you to honor his request, nor is there any jurisdiction
17 for a Circuit Court Judge in South Carolina to honor that
18 request. So that's why I'm asking that you dismiss this
19 motion with prejudice so it ends the case.

20 **THE COURT:** Mr. Goss.

21 **MR. GOSS:** Yes, Your Honor. I would like to object to
22 what the state's saying because there is an additional finding
23 because I had Covid 19. If they would have took this matter
24 serious the first time, I wouldn't have never caught Covid. I
25 have damage that Covid has done, that's why (inaudible) Jesus

1 Christ and asked him to please hold on. That's the only thing
2 that saved me.

3 Also I want the Court -- I would like to object to what
4 the solicitor said about he keeps saying compassion, it's
5 extraordinary, this is extraordinary reason of the law,
6 supremacy clause of the United States, the law of the land
7 gives this Court jurisdiction to make a decision on this
8 motion today.

9 **THE COURT:** Anything you want to say, Mr. Hazzard?

10 **MR. HAZZARD:** Please, Your Honor. May I please the
11 Court?

12 With regard to Mr. Goss, this matter came to my attention
13 back in March of this year. Apparently, Mr. Goss wrote a
14 letter to Judge John as the Chief Administrative Judge. Judge
15 John forwarded it to my office and asked that a representative
16 of my office represent Mr. Goss in this matter and assist him
17 to the extent possible.

18 We've had numerous conversations and interactions with
19 Mr. Goss regarding the motion that he has filed for
20 compassionate release. We have discussed in great detail the
21 fact that the legal vehicle that he relies on i.e. the Federal
22 Court statute, is not something that to my knowledge and
23 understanding applies to state court. And as a result, he and
24 I have great disagreements in that regard. But Judge Cothran
25 did hear him out completely and fully on the motion he filed,

1 and I believe that was back in April, around April 16th.

2 The underlying sentence that has Mr. Goss in the
3 Department of Corrections, he was convicted of trafficking
4 crack cocaine third offense in February 2007, received a 28-
5 year sentence with a \$50,000 fine at that time.

6 The civil statutes that he relies on here, I believe this
7 issue, although today he has gone back through the substance
8 of his previous motion, I believe his real issue is that the
9 Form 4 order denying his motion is lacking in findings of fact
10 and conclusions of law. I would think, therefore, then the
11 motion actually would be more properly in front of Judge
12 Cothran who issued the initial ruling.

13 I have not filed any documentation on Mr. Goss' behalf,
14 because again, as an officer of the court I do not believe
15 that the claim as brought has sufficient merit. He would not
16 allow it to be done any other way, and as such I cannot bring
17 or file any matters with the Court that I do not believe have
18 merit. That is why I have not filed anything on his behalf.
19 But honestly, Mr. Goss has been allowed to be heard fully
20 again in this matter.

21 Thank you, Your Honor.

22 **THE COURT:** Yes, sir, Mr. Goss.

23 **MR. GOSS:** Yes, Your Honor. I would like to object to
24 what Mr. Ron Hazzard is speaking about today because he's an
25 attorney of law, I'm in prison right now because I was

1 incompetent of the law and given to the Public Defender's
2 Office, Ms. Orrie West. She -- I came to court and was
3 supposed to be in court for this charge where I was sentenced
4 to 28 years. She never talked to me about this, never,
5 whatsoever. I never told my family about this. I never told
6 my mom, my kids. I called them, they crying to death and said
7 son why didn't you tell me this. Okay.

8 (Inaudible) I took that because I had pending charges for
9 five years where I was supposed to go, and when the third
10 offense come I (inaudible). I got caught with marijuana in
11 Georgia. I got caught with -- I was a penny hustler, I ain't
12 never had nothing. I ain't never had nothing, just got caught
13 up with the wrong people and got all these charges, they run
14 concurrent. They got third offense like I've been in and out
15 of prison. I've only been in prison for like 80 days and then
16 I came back on this sentence.

17 And why I'm upset about the Horry County Public
18 Defender's Office is that Mr. Ron, and Chief Justice -- I said
19 Chief Justice -- Mr. Ron, Judge John assigned him to me. Mr.
20 Hazzard wants to take everything out of this motion that will
21 not get me a hearing and I cannot be quiet no more. Like
22 someone else told me when I went to Court, I'm in front of an
23 old time Judge, don't say nothing. I listened to him because
24 I always listen to my mom. Today Mr. Hazzard, Mr. John hired
25 you, I mean tell you to take my case. You should have told

1 everywhere, let that be my decision, not SCDC, not SCDC.

2 And most of all, I pray every day that -- I've been
3 incarcerated for 15 years, people take titles. Jesus Christ
4 said stand strong on what you believe in. Your Honor, I'm
5 sorry to take up your time today, but I've got a lot on my
6 chest over the years. Jesus Christ said, son, you're going to
7 suffer. I'm going to suffer. And, Your Honor, I'm asking you
8 today that the Holy Spirit reach you and let you see my heart
9 today and understand all of my circumstances because nobody
10 cares. Even though Mr. Ron Hazzard got a title, to my
11 knowledge, I could be incompetent to what I'm saying, but he
12 told me take this out. If I take out the cruel and unusual
13 punishment; if I take the supremacy clause out, I wouldn't
14 have ever had a case. I wouldn't never had a case. I would
15 not have a case today if I had listened to Mr. Ron Hazzard.
16 (Inaudible)

17 **MR. OSKIN:** Your Honor, this has been said multiple
18 times.

19 **THE COURT:** All right. Go ahead and wrap it up, Mr.
20 Goss, if you would.

21 **MR. GOSS:** Yes, sir. Yes, sir. At this time I would
22 just ask you to object to what my attorney is saying and what
23 the solicitor is saying under supremacy clause, the law of the
24 land, and under cruel and unusual punishment. And I'm sorry
25 to take up your time today.

I Jamie Goss would like for everything in this Appeal; from the Appeal Court bond to be included in the Record on Appeal Also do to the State paying someone to seal my court paper a lot of my Exhibits is missing. So at this time I would like for the court of Appeal to give me the Cost to get my Appeal copy.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
)	
COUNTY OF HORRY	)	INDICTMENT: 2006GS2604735
)	
STATE OF SOUTH CAROLINA	)	WARRANT: K002194
)	
RESPONDENT)	
)	
VS.)	
)	
JAMIE GOSS	)	STATE'S RESPONSE
SCDC#294885	)	TO DEFENDANT'S MOTION
	)	FOR COMPASSIONATE RELEASE DUE
	)	TO EXTRAORDINARY
PETITIONER	)	CIRCUMSTANCES
)	

Response

The petitioner has filed a motion asking this Court to reduce his sentence of imprisonment under 18 U.S.C. section 2582 (C)(1)(A) and order his immediate release, relying solely on the threat posed by the COVID-19 pandemic and its effects on his family who are not incarcerated and includes minor children. The State of South Carolina respectfully opposes this motion.

The Court should deny this petitioner's motion for several reasons. First, the federal statute that the petitioner has cited only deals with federal cases and federal inmates. Simply put, the petitioner cannot get the relief he is seeking through this statute before a circuit court Judge in South Carolina. The petitioner tries to overcome this by broadly mentioning the S.C Constitution Article 1 Section 15. Article 1 Section 15 is our State's version of the eighth amendment, which prohibits against cruel and unusual punishment, largely in part dealing with pretrial detainment and prohibiting excessive bonds for the circumstances. The petitioner was convicted of Trafficking Crack Cocaine – 3rd offense and sentenced to twenty-eight years on February 13, 2007. Therefore, the petitioner fails

to successfully tie South Carolina law into the federal statute because this is a post-conviction issue. Moreover, it is not an excessive bond issue nor a cruel and unusual punishment issue because the defendant was convicted at jury trial. Lastly, South Carolina does have statutory law that governs compassionate release. S.C. Code Ann. Section 24-21-715 titled "Parole for terminally ill, geriatric, or permanently disabled inmates" gives definitions for inmates that may qualify for passionate release. The petitioner does not meet any of this criterion. Further, only the full parole board, after petition from the Department of Corrections, has the sole authority to determine and grant compassionate release.

In conclusion, this Court should deny this petitioner's motion to grant compassionate release due to extraordinary circumstances because it is improper in this forum. His only potential relief is by petition of the Department of Corrections, and he does not meet the statutory requirements for that either. Therefore, this motion should be denied.

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Respectfully submitted,



Seth Oskin
Asst. Solicitor
15th Circuit Solicitor

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS OF HORRY COUNTY
COUNTY OF HORRY)	Case No. 2006-6s-26-4735
JAMIE GROSS, # 294885	)	D.O.B: 11/15/81 SS No. _____
Defendant,	)	Presiding Judge Honorable, Steven John
Vs	)	Circuit Court Judge
STATE OF SOUTH CAROLINA,)	
Release.)	

**Motion for Compassionate
Release for Extraordinary
Reasons**

Come now Defendant Jamie Goss Pro se. Before this honorable court on a Motion for Compassionate Release for Extraordinary Reasons. This motion is written pursuant to 18 U.S.C. 3582(c)(1)(A)(i), and S.C. Constitution Article 1 Section 15, United States of America V. Lincoln Warrington Defendant, (March 4, 2021) 2021 825400. This matter comes Before Honorable Steven John Circuit Judge of Horry County Motion for Compassionate Release for Extraordinary Reasons pursuant to ^{"Supremacy Clause" LAW OF THE LAND U.S. CONST. ART. 6 Clause 2} 18 U.S.C. 3582 (C)(A)(i), in light of the COVID-19 Pandemic, and also the following reasons, the Defendant respectfully show this Honorable Court the Following:

(1) Due to S.C. Department of Corrections Ridgeland Facility and all other SCDC Facilities being short of Staff, overcrowded inmate population, lack of clean air and cleaning supplies.

(2) My wife has a life threatening illness which require her to rely upon Respiratory Breathing Machines, and she has custody of my two (2) children ages 14 and 15.

(3) My wife is currently in custody of immigration Detention Facing Deportation, she is in custody of my other two (2) Children ages 15 and 16.

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Rule 24/ Stay and Supersedeas in
Civil Action

Statement OF Issues

- 1) WAS Petitioner's argument raised in proper form and venue?
- 2) Did Judge err in failing to apply Federal Statutes where state Statute did not exist?
- 3) Did Judge err failing to rule on Issues ①
Due to S.C Department of Correction Ridgeland Facility and all other SCDC Facilities being short of staff, overcrowded inmate population, lack of clean air and cleaning supplies
- 4) Did Judge err failing to rule on Issues ②
My mom has a life threatening illness which require her to rely upon Respiratory Breathing Machines, and she has custody of my two children ages 14 and 15.
- 5) Did Judge err failing to rule on Issues ③
My wife is currently in custody of Immigration Detention Facing Deportation, she is in custody of my other 2 children ages 15 and 16.
- 6) Did courts fail to acknowledge Covid-19 as a condition in the language of Statute governing Compassionate Release in South Carolina?
- 7) Did Appeal err failing to release me on Bond?

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF THE DIRECTOR
INMATE CORRESPONDENCE**

INMATE: Jamie Goss #294885
INSTITUTION: Kirkland Correctional Institution, F1A-0126-B
FROM: Office of the Director
SUBJECT: Request to Staff Member Received
DATE: July 6, 2021

I am in receipt of your inmate correspondence/Request to Staff Member. Your correspondence is being rejected in accordance to SCDC Policy, GA-06.04, Request to Staff Member and returned to you for the following reasons:

- Inmates must use the correct form (Request to Staff Member SCDC 19-11) and attachments will not be accepted.
- Inmates are only allowed to submit one issue per RTSM, which must be written legibly (to the appropriate area) and must be limited to a single sheet.
- Inmates are prohibited from sending duplicate or similar RTSM to multiple staff members.
- Your request should be directed through the appropriate institutional/divisional staff.
- The RTSM is intended for use by an individual inmate (An inmate may not send a RTSM form from multiple inmates).
- ✗ You will have to enter your concerns through the KIOSK Automated Request to Staff System.
- * Please be advised that SCDC has no statutory or other authority for releasing inmates based upon the COVID-19 pandemic.

S/ office of the Director
Office of the Director

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Ralph F. Cothran, Jr., Circuit Court Judge

Case No. 2006-GS-26-4735

The State,.....Respondent
v.
Jamie Goss,.....Appellant.

MOTION TO BE RELIEVED AS COUNSEL OF RECORD

The undersigned moves before this Honorable Court for an order relieving counsel as listed attorney of record for the Appellant in the above-captioned matter. Appellant filed a *pro se* motion for compassionate release with the Horry County Clerk of Court on March 12, 2021. Undersigned counsel was subsequently asked to serve as standby or advisory counsel for Appellant during the pendency of the motion proceedings. Appellant's motion for compassionate release was subsequently denied by the Honorable Ralph F. Cothran, Jr., by orders dated August 4, 2021 and September 8, 2021. Appellant has filed a *pro se* appeal in this matter without the knowledge or assistance of the undersigned and counsel respectfully requests to be relieved from any duties and responsibilities regarding this appeal.

Exhibits

- 4.1.23 Designation of Matter
- 3.20.23 Designation of Matter
- 3.7.23 Non-Dispositional Decision - Extensions Granted
- 3.6.23 Motion Extension of time 4th Respondent Initial Brief
- 2.7.23 Non-Dispositional Decision - Extension Granted
- 2.3.23 Motion Extension of time 3rd Respondent Initial Brief
- 1.11.23 Non-Dispositional Decision - Extension Granted
- 1.4.23 Motion - Extension of time 2nd Respondent Initial Brief
- 12.7.22 Non Dispositional Decision - Extension Granted
- 12.6.22 Motion - Extension of time 1st Respondent Initial
- 11.14.22 Initial Brief Appellant
- 10.21.22 Correspondence - Incoming Letter from Appellant
- 10.19.22 Correspondence Outgoing letter
- 10.11.22 Non Dispositional - Decision - Extension Granted
- 10.7.22 Correspondence Incoming Petition for Rehearing
- 10.7.22 Motion - Extension of time 1st Appellant Initial
- 9.27.22 Correspondence - Incoming letter
- 9.26.22 Non-Dispositional Decision - Order
- 9.26.22 Transcript - Documents - Transcript delivered Dir Appeal
- 9.26.22 Correspondence - incoming letter
- 9.26.22 Motion Reply
- 9.16.22 Motion Return
- 9.12.22 Correspondence - Outgoing (Return Request)
- 9.12.22 Deficiency - Correction Proof

- 9.12.22 Correspondence - Outgoing Letter concerning
9.6.22 Transcript Document - Other
8.26.22 Deficiency Deficiency letter sent
8.22.22 Motion Bail
7.29.22 Correspondence - Outgoing Allow to Proceed Letter
7.5.22 Deficiency - Correction
6.17.22 Deficiency - Deficiency letter sent
5.5.22 Non-Dispositional Decision - order
4.1.22 Correspondence - Incoming (Other)
3.23.22 Deficiency - Correction
3.14.22 Motion - Relieve / Withdraw / Substitute as Counsel
3.10.22 Deficiency - Deficiency Letter Sent
3.1.22 Correspondence - Outgoing
2.14.22 Correspondence - incoming other
2.8.22 Deficiency - Deficiency Letter Sent
1.13.22 Deficiency - Correction
12.20.21 Deficiency - Deficiency letter sent
11.9.21 Correspondence Outgoing Initial letter
10.25.21 Notice of Appeal - Initial