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AUG 09 2013

STATE OF SOUTH CAROLINA

In The Supreme Court

Appeal from Laurens County  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

SAMUEL GARY,

PETITIONER,

VS.

STATE OF SOUTH CAROLINA,

RESPONDENT.

EXPLANATION  
PURSUANT TO  
RULE 243(c)  
SCACR

Comes Now, the Petitioner who submits to this Honorable Court his "Explanation" pursuant to Rule 243(c), SCACR. The circuit court has ruled that the Applicant's application for post-conviction relief is successive and exceeds the statute of limitation.

The Petitioner contends that he could not have raised this issue in his initial post-conviction relief application because he didn't received the "SLED" report until after his first PCR application was filed. On January 24, 2012, the Petitioner was sent documents from SLED' Forensic Laboratory, the documents stated that all evidence were sent to their division from Laurens County's Clinton Police Department for fingerprints analysis. The


did not believe that he'd been properly indicted as provided by law. Counsel reviewed the indictment and stated that they were okay. On December 5, 2011, the Petitioner was forwarded a copy of the Grand Jury Report on indictments from the Laurens County Clerk of Court, Lynn Lancaster.

The records indicated that 203 cases were supposed to have been true-billed on October 3, 2008. Records also indicated that the Grand Jury convened at 9:00 a.m. on October 3, 2008 and from that point was deliberating for three (3) hours. Only sixteen members sat on the panel through each section, which twelve voted for true-bill.

According to the law as stated in State v. Powers, S.C. 1901, 59 S.C., S.E. 690. This case declares that the Grand Jury of each county shall consist of eighteen (18) members, this requirement is mandatory.

WHEREFORE, having "explained" to this Court that the Petitioner had no other alternative but to have file a second application for post-conviction relief to address the issues that arose after filing his first PCR application, the Petitioner ask that this Court not find that his application is successive or that it was filed outside the statute of limitation and remand back to the lower court for an evidentiary hearing.

This 5 day of August, 2013

Respectfully, submitted,  
  
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Samuel T. Gary #296099  
McCI F-4 287-A  
386 Redemption Way  
McCormick, SC 29899  
Petitioner

Dear: Daniel E. Shearouse "Clerk"

I Samuel Gary certify that an written explanation  
have been served on the Supreme Court August 5, 2013.

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**S.C. SUPREME COURT**

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Certificate of Service

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State of South Carolina "Supreme Court"

Sworn to and subscribed before me  
this 05 day of Aug 2013

Franklin  
Notary Public For South Carolina

12-16-2019  
my Commission Expires

Samuel Gary  
296099