

The Supreme Court of South Carolina

The State
of
South Carolina, Respondent

v.
Andre Norris #334449
Petitioner

Appellate Case No.

(2012-211268)

Petitioner's Motion


For Reconsideration

Of The Record, On

Grounds Of Newly Discoverable
Evidence Found In The Record

Petitioner Am Seeking Relief Under The Jurisdiction
Of This Court. Requesting By Reconsideration Of Appeal.
Due To Newly Discoverable Evidence Found In The Record,
Supported By Affidavit & Exhibits, To Set Aside Conviction
And Remand Back For A New Trial.

"Upon Discovery," An Issue Can Be Raised At Any
Time, Under Newly Discoverable Evidence.

Coats v. State (S.C. 2003) 352 S.C. 500, 575 S.E.2d
557 Criminal Law  1586

RESPECTFULLY SUBMITTED

Andre Norris #334449

ANDRE NORRIS #334449

Allendale Correctional Institute

P.O. BOX 1151, HWY. 47 Fairfax,

South Carolina 29827

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AUG 13 2013

S.C. SUPREME COURT

(2)

Affidavit Of Statement

(1) Petitioner Have stated That Some things Mention At The Time was said By Him was Never observe By The Court Reporter When Entering His Account To With Draw The Plea. Trpg 87 lines 6-18

Please Review (Pg. 9) Where It states In Appeal Transcript. The Next Day The Trial Court Judge Placed On The Record A Conversation He Had with His Court Reporter. The Court Reporter Advised The Judge That she was unable to personally observe The Responses of the Defendant's to The Judge Question's The Day Before During The Actual Plea.

Now Being That This is Found In The Record Given An Account of what was stated By The Court Reporter Personally to The Judge Out Her Mouth, Have Now Confirmed That Some things Mention At The Time was said By Him was Never observe By The Court Reporter When Entering His Account To With Draw The Plea.

Which Have Further More substantiated That A Portion Of The Record is Missing Due To Her Not Being Able To Clearly observe All The Defendant's Responses to The Judge Questions, By which This is A Clerical Error Deeming For The Reconstruction of Record and Perhaps Relief From Judgment or order in Accordance to Rule 60(b)

Our Supreme Court Held That An Observation of The Record By Court Reporter Must Be Rendered with its Entire Portion Otherward's The Record Must Be Deemed As Inconclusive. China v. Parrott, 251 S.C. 329, 334, 162 S.E. 2d 276 (1968)

Sentence vacated
and
Remanded

(2) Petitioner states that record reflects on (Pg. 6) that the police then interviewed Rommie Bowers, a Resident of Saluda County Investigators in Saluda County located a shot gun underpinning of a trailer where the "main part of this kidnapping actually occurred in Appeal Transcript.

Due to the record reflecting this have substantiated the prosecution must render under the jurisdiction of Saluda County being that there's more certainty where a kidnapping had occurred which would be its proper jurisdiction. Any other jurisdiction would be improper, causing a subject matter jurisdiction issue to be arisen.

Petitioner states that Aiken County Court lacked subject matter jurisdiction to even prosecute this case. Due to the record reflecting from the Saluda County Investigators testifying a kidnapping had occurred there and not Aiken County, by which sustains that Aiken County did not have subject matter jurisdiction to have accepted Petitioner's plea.

Our Supreme have held where there exist factual basis proven at the shown record a matter of law had occurred in one county, but prosecution renders under the jurisdiction of another county that the matter of law never even occurred have arisen conflict of jurisdiction. Therefore a circuit court lack subject matter jurisdiction of residing State v. Evans 415 S.E. 2d 816 (1992) see also State vs. McCoy 82 S.E. 280 (1914)

(3) Petitioner States That Attorney Was Ineffective For Not Contesting The Validation Of The Stand Written In True Billed Indictment, By Which He Would Have Discovered That The Indictment For Kidnapping Indicates In The Language Of The Indictment That: At A Court Of General Sessions, Convened On July 14, 2008, The Grand Jurors Of Aiken County Present Upon Their Oath. Also When Looking At The Face Of The Indictment Shows The Action Of Grand Jury; True Bill, On July 10, 2008, By Which This Shows The Indictment Was Falsely Imposed Due To It Being True Billed 4 Days Before It Ever Being Presented And Convened By The Grand Jury. Now Do To This Crucial Error I Was Deprived Of An Evidentiary Hearing; Instead Attorney Allowed The Prosecution To Proceed Allowing The Court To Deny My Request To Withdraw My Plea, Not Knowing That This Would Be Prejudice Towards Petitioner.

How It Prejudice Petitioner: Had Attorney Contested The Validation Of The Indictment, There would have Never Been A Prosecution, No sentence Of 17 yrs, Case would have Been Dismissed And It wouldn't Issue Before This Court This Day.

Our Supreme Court Held That where Issues Have Arisen Showing Evidence That The Indictment Is Not Valid For Service. When Confronted With Whether The Trial Court Had Subject Matter Jurisdiction To Accept Defendant's Guilty Plea When The Indictment Was Not Stamped "True Billed", Conviction Must Be Reversed And Remanded For A Hearing.
State V Grum 533 S.E. 2d 329 (Sl. 2000)

(5)

Petitioner Have Declared Under The Penalty Of Perjury or Subordination That The Fore Going Mention With In This Affidavit Of Statement Are True And Correct On This Day, Month, And Year subscribed Below.

Subscribed Before Me This ~~Day~~
Day _____ Month _____ And
Year _____

ANDRE NORRIS #334449
Allendale Correctional Institute
P.O. BOX 1151, Hwy. 47 Fairfax,
South Carolina 29829

NOTARY PUBLIC OF SOUTH CAROLINA
COMMISSION OF EXPIRATION

By Which This Shows That The Sentencing Phase Rendered By Court Have Been Deemed Now To Be Unconstitutional. Our Supreme Court Have Held When There Evidence Showing Negligent Have Rendered A Constitutional violation, Therefore The sanction imposed must be uplifted. State v. Huggins, 336 S.C. 200, 203 n2, 519 S.E.2d 574, 575 n2 (1999)

WITNESSES

L. Ghant, A.C.S.O.

FILED July 10 2008

Liz Hedard
J.C.C.P. & G.S.
Shannon W. Rosenkrantz
Deputy Clerk

ARREST WARRANT NUMBER

K-065965

ACTION OF GRAND JURY

true Bill

Raymond Potts
Foreperson of Grand Jury
Date: July 10, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-02-1093

EX: A

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JULY 14, TERM 2008

THE STATE
vs.

ANDRE NORRIS

Indictment for
KIDNAPPING

SC Code: 16-3-910
CDR Code: 0095
Class FEL-A

144

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on July 14, 2008, the Grand Jurors of Aiken County present upon their oath:

KIDNAPPING

That ANDRE NORRIS did in Aiken County on or about December 24, 2007, participate as a principal by his actions and assistance to unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Jeremy Leaphart without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


BARBARA R. MORGAN, SOLICITOR

CERTIFICATE OF SERVICES

Petitioner Am sending Out A Motion For
Reconsideration of The Record In Appeal under
Newly Discoverable Evidence with Supportive
Affidavit Statement, And (Exhibit A) The Indictment
For Kidnapping to This Current Address: Supreme Court
Of South Carolina P.O. BOX 11330, Columbia, S.C. 29211
Asking For A Stamped Copy In return. By US Postage
Mail Afforded By SCDC Mail Carriers, On This Day, Month,
And Year subscribed Below.

Subscribed Before Me This
Day _____ Month _____
And Year _____

ANDRE NORRIS #334449
Allendale Correctional Institute
P.O. BOX 1151 Hwy. 47 Fairfax,
South Carolina 29827

NOTARY PUBLIC OF SOUTH CAROLINA

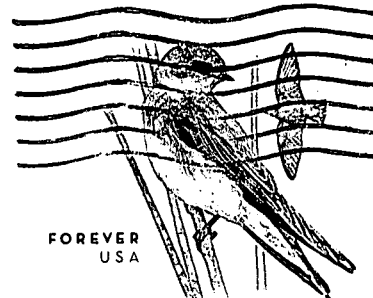
COMMISSION OF EXPIRATION

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AUG 13 2013

S.C. SUPREME COURT

Andre Norris #334449
A.C.I. - F4-A8 - Bamberg
1057 Revolutionary Trail
P.O. Box 1151
Fairfax S.C. 29827



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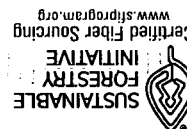
The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia S.C. 29211

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