

DEAR Hon. Clerk,

The Counsel who represented me in this proceedings never said one word I was prior Convictions dated on January 8, 1997. It is clear the Trial Judge Sentence me based on the stipulation by the Court and Parties. All we saying the Trial Judge error in sentencing him life without possibility parole because of this SPECIFIC Conviction or Sentence "which is ACTUALLY "irrelevant Evidence" in this stipulation on the record. IF I had a chance to give my testimony including the object, thing or substance The trial judge in Petitioner case avoiding to rule on what FACT is the lower court relying to sentence him under S.C. Code Ann. § 16-11-31 (A) (1) (2) (3) (B) ?

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Terrence Adams #229165,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

IN THE COURT OF COMMON PLEAS  
IN FIFTH JUDICIAL CIRCUIT

Case Number: 2023EP400509

REPLY TO STATE CONDITIONAL  
OF DISMISSAL

Petitioner, making its Reply to State Conditional order of Dismissal dated 11 May 2024 received on May 20, 2024. Petitioner, the Appellant's had "After Discovered Evidence" that is "Crucial" or "Critical" in identification on 30 November 2022. Respondent and "Custodian of Evidence" both given testimony that no out-of-court testimony exists. But the Arrest Warrant-Affidavit Specific shows Petitioner was positively identified by victims leaving the scene carrying the stolen property from all victims homes. See S.C. Code Ann. § 17-28-150 (B) and Section 17-28-320 (C) is mandatory.

On January 30 to February 1, 2006 The trial court error in accepting or making the two prior conviction for burglary is not a violent crime to statutory enhance an illegal sentence. It took seventeen years, seven months, eleven days later to discover the truth, the victims did not accuse Petitioner of these crimes, Inv. Hunt did after he saw convictions having no probative value because no transcript of oral pronouncement with Petitioner's.

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S.C. SUPREME COURT

Petitioner Sentence Under Burglary in the First Degree is illegal under Violent Circumstances. The Sentencing Sheets on February 1, 2006 should be Annul because only the Deceased Trial Judge and Deceased Clerk of Court signed Sentencing Sheet and no Attorney's of Record did. As to the January 8th, 1997 Conviction of Sentence they too is "irrelevance evidence" the trial Judge and Deceased Clerk of Court is in Agreement with those Sentencing Contract. No oral transcript exists therefore, Boydkins v. Alabama, 395 US 238 89 S.Ct. 1709 23 LEd2d 391 (1968). Applied

Petitioner Claims a new right to applied retroactively, After discovered evidence found at the November 30, 2022 PCR Proceedings, Custodian of evidence admits no-out-of-court testimony exist. However, Former testimony is exceptional under SCRE, Rule 804 (b). Pursuant to S.C. Code Ann. § 17-28-320 (c) is mandatory. The physical evidence and biological material must be preserved until the person is released from incarceration, dies while incarcerated, or executed for the offense enumerated in Subsection (A) (5) Burglary in the First Degree. In this particular case, there is evidence of material facts not previously presented and heard that requires vacation of the conviction pursuant to Section 17-27-45 (c) and section 17-27-20 of South Carolina Code of Laws.

Double Jeopardy Clause protects against multiple punishments for same ~~act~~ element. U.S.C.A. Const. Amend. 5; Const. Art. I § 12 Respondent did not prove violent conduct that constitutes a violent crime for which the petitioner

has already been Prosecuted. "The test to determine whether these or two offenses or only one and each Provision requires Proof of an additional Fact which the other does not. In Petitioner case, An evidentiary hearing is requested to Prove Petitioner Convictions is An illegal Sentence under Section 16-11-311(B). See S.L. Code Ann. § 16-1-605 16-1-70

Even if the Stipulation is binding with the Court and Attorney's of the record. The two Convictions of illegal Sentence, is not A violent Crime. To determine this Fact we would need to review the Ancient Documents and Oral Pronounced transcript. Rule 803(16) SCRE.

The Lower Court error in Sentencing Petitioner's Life without Possibility Parole on evidence that is not violent. The victims nor witnesses testified to no violent Conduct. The Trial Judge error in declining to take testimony of Petitioner is incorrect with the Law or the Facts under S.L. Code Ann. § 16-11-311(B).

An Evidentiary hearing is requested, The Trial Judge error in using this specific Conviction or Sentence binding with the Court, But "irrelevant Evidence" is Unconstitutional to support this violent crime Under S.L. Code Ann. § 16-11-311 The sentence is illegal.

## CONCLUSIONS

Mitigation evidence Pursuant to Federal Rules of Criminal Procedure Rule 32(a)(1)(4)(ii)(B), The Petitioner have evidence to Mitigate Sentence. Before imposing Sentence the Court must address the Petitioner Personally in order to permit him to speak or present any information to Mitigate Sentence. This sentence is illegal under Violent crimes section 16-1-60, 16-11-311(B)

Bennettsville South Carolina  
Dated: 3 June 2024

/s/ Terrance Adams #229165  
EVANS  
601 HWY 9 West  
Bennettsville, SC 29512

Terrance Adams #229165  
EVANS  
~~601 HWY 9 West~~  
Bennettsville, SC 29512

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ATTN. PATRICKA HOWARD  
The South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211