

IN THE SUPREME COURT
STATE OF SOUTH CAROLINA

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NOV 21 2024

Patrick B. Walker,)
Petitioner)
v.)
State of South Carolina,)
Respondent)

Judicial Notice S.C. SUPREME COURT
S.C.R. of Evidence Rule
201: Request Letter

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Appellate case no.
2024-001144

NOV 14 2024

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Introduction

Now into the Court comes Applicant in accordance with the South Carolina Appellate Court Rules: Appellate Court Rule 243, SC A CT Rule 243

I humbly request permission to submit a petition for Judicial review. Applicant ask this Hon. Court to reconsider its reason to prohibit applicant from filing collateral actions without permission, "two" prior post-conviction applications (P.C.R.) that were denied. Although disfavored in this state applicant is unaware of any rule or law to barr an applicant for filing two post-conviction applications. Further, the Court should consider applicant has provided the Court with sufficient material factual basis and elements to demonstrate the record was sufficient enough to prevail. "The U.S. Supreme Court has held that new developments to existing evidence constitute as newly discovered." Applicant now direct the Court's attention to material factual legal documents on the record. See: Exhibit (1) and Exhibit (4), These exhibits established valid evidence proof supported by objective truths and infallible proof to offer as the premise of the claim. Applicant Pro Se filed a timely rule 60(b) All "Independent Action" extrinsic Fraud Upon the Court. The circuit court fail to address the timely petition, "A motion nonmenclature is not controlling... The Court must look to the substance not simply the title, of post trial motion" This timely filed motion and new evidence...

evidence has never been heard by the Court. As the state refuse to place it on the docket SEE: Exhibit (7) the State's action's or inaction on the matter impeded or denied applicant his right to "access to the Court" in violation of procedural and substantial due process a clear "manifest injustice". Applicant's subsequent filings was his attempt to amend his original post-conviction (P.C.R.). As the newly discovered evidence was the foundation of all actions filed. SEE: Exhibit (8), Applicant exercised due diligence in pursuit of his right to "Access To the Court". A standard required to receive the benefit of equitable tolling. A hearing was set on Jan. 17, 2024 on procedural grounds. This was understood and intended between the parties SEE: 59(e) p.3 line(6-22); p.4 line(1-3) It was seemingly construed. Applicant obtained additional newly discovered evidence. SEE: Exhibit (3); Applicant gave direct testimony to the events of prior counsel Bill Yarbrough's failure to file the new evidence timely with the court. The Court should consider the fact the initial application filed April 2022 was unsigned, undated, and unverified as proof of claim. "Generally held a blameless party/can't be disadvantaged by procedural errors or neglect by his attorney"

Conclusion

Applicant ask this Hon. Court to give judgement after an examination of the record. Delay in discovering fraud is not a bar, and calls into question the very legitimacy of a judgement making the process fundamentally unfair. Equitable tolling should apply to this case. I pray the Court grant my request, remand for a full evidentiary hearing, or reinstate the appeal process.