

Esq. Gary Johnson
South Carolina Commission on
Indigent Defense

RECEIVED

NOV 25 2024

S.C. SUPREME COURT

RE: S.C. code Ann §17-27-20 (A)(1)(2)
Appellate case No. 2024-000178

Esquire

This correspondence is not for the purpose of hybrid-representation. see State v. Rivera Supreme Court of South Carolina February 13, 2013 402 S.C. 225 741 S.E. 2d 694. but however is with concern to S.C. code Ann §17-27-20 (A) which states therein; "[A]ny person who has been convicted of, or sentenced for, a crime and who claim[s]"... see S.C. code Ann §17-27-20 (A), likewise Rule 71.1, SCRPC, provides that "[T]he procedure for post-conviction relief is provided by the Uniform Post Conviction Procedure Act, S.C. code Ann. §§17-27-10. to 17-27-120. (1985). The South Carolina Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the Act." see Rule 71.1, SCRPC. However the constitutionality of a state prisoner's conviction and sentence are guided by rules designed to ensure that state court judgement are accorded the finality and respect necessary to preserve the integrity of legal proceeding within our system. By way of constitutional propriety a state court's invocation of a procedural rule to deny a procedural rule, to deny a prisoner's claim is of a prohibition. see Martinez v. Ryan. March 20, 2012 566 U.S. 1 132 S.Ct. 1309 182 L.F. 2d 272.

A attorney at any level of representation, cannot act with an intention of deprivation, or with any impropriety upon reserving the claim of ineffective assistance for a collateral proceeding; see Massaro v. United States, 538 U.S. 500, 505, 123 S.Ct. 1690, 155 L.E.2d 714 (2003), a attorney by oath as a member of the Bar is responsible for procedural safeguards on a citizen's behalf; As provided by the Supreme Court of South Carolina within the MOSE court, at 420 S.C. 500 803 S.E.2d 718. Summary dismissal of a post conviction relief action application without a hearing is appropriate only when (1) it is apparent on the face of the application that there is no need for a hearing to develop any fact and (2). the Applicant is not entitled to relief. see Leamon v. State 363 S.C. 482 434 611 S.E.2d 494 495 (2005) S.C. code Ann §17-27-70 (b). Moreover. The MOSE court had also provided that "[W]hen reviewing the propriety of a dismissal an appellate court must view the facts in the same fashion. Please consider that documentary evidence i.e. the Appellate Case No 2024-000178 Appendix record is void of a fact that a summary disposition with pursuant to S.C. code Ann § 17-27-70 (b), had not been addressed as the primary conclusion of law, and is not apart of the record with regards to the PCR court's order of dismissal, the state did not provide in accordance of S.C. code Ann § 17-27-80. see App.p 448-463, of the Appendix of Appellate case No. 2024-000178. However the Supreme Court had provided an exception to a procedural upon a impedance or a obstruction of a state established procedures, prior to a intentional act

of omission per my Attorney appointed to represent me in my Post conviction hearing see Fishburne v. State (S.C. 2019) 427 S.C. 505 832 S.E.2d 584. However, the exception that which is provided by the Fishburne court, establishes that a certiorari attorney the obligation to inform the South Carolina Supreme court of a intentional default, caused by a attorney within a Post Conviction relief proceeding. Also the Garner court, which states therein, that "[p]ost conviction matters does not include specific finding of fact and conclusions of law relating to each issue presented but instead, dismissed some of the issue presented; but instead dismissed some of the issues without prejudice; to them being raised in a future Post conviction relief does not constitute a final order or judgement, and is not reviewable by writs of certiorari. see S.C. 1976 sec. §17-27-100; and Appellate Rule 227 (a). Please consider the record, i.e. Appellate case No. 2024-000178. App.p. 448-463, likewise consideration in retrospective of S.C. code Ann §17-27-80 with respect to the courts post conviction order of Dismissal that which is lacking of the Honorable R. Kirk Griffin specification of the court's finding of fact with respect to testimonies expressed within the Post conviction relief hearing case No 21-CP-45-0327 see App.p.389-446, ripeness of conclusions is not sufficed, concerning the issues raised that which relate to which I had raised. see App.p. 450. However the Honorable R. Kirk Griffin's order of the post conviction relief thus to be dismissed as concluded is hereby insufficient for appellate review due to failure to meet the standards set forth in the S.C. code ann §17-27-20. see McCray v. State supreme court of south Carolina August 5, 1991 305 S.C. 329 408 S.E.2d 241. Respectfully, you as my court appointed

Certiorari counsel had raised two meritorious issues. But however, with regard to those issues thus raised in your submitted initial petition for writ of certiorari, lack evidentiary support because of the omission and faults solely initiated per my Post conviction counsel. The South Carolina Supreme Court i.e. the ~~the~~ Fishburne Court did establish a responsibility set forth by the Douglas Court, at 369 S.C. 213 631 S.E. 2d 542, in which the Supreme Court had somewhat mandate the legal allowance thus to assure that my issue can be addressed by the South Carolina Supreme Court in their entirety with respect to my rights see S.C. Code Ann § 17-27-20 (a) also see S.C. rules of civil procedure 71.1 (d).

sworn to and subscribed before me
this ___ day of _____ 2024

NOTARY PUBLIC OF SOUTH CAROLINA
my commission ends _____

John Arthur James #196633
Tyger River Correctional Inst.
200 Prison Road
Enoree SC 29335

GREENVILLE SC 296

20 NOV 2024 PM 2 L



Received

NOV 18 2024

Tyger River Mailroom

Clerk of court
Patricia A Howard
Post OFFICE BOX 11330
Columbia S.C. 29211

RECEIVED

NOV 20 2024

S.C. SUPREME COURT

29211-133030

