

RE: GARY LAMONT PETTY v. THE STATE OF SOUTH CAROLINA
Petitioner Respondent

RECEIVED

APPELLATE CASE # 2025-001324

JUL 22 2025

SC Court of Appeals

ATTN: HONORABLE CLERK

PLEASE FIND ENCLOSED THE FOLLOWING INFORMATION TO CORRECT THE DEFICIENCIES STATED IN LETTER DATED JULY 08, 2025, (SEE (pg. 4), ENCLOSED) AND TO ACCOMPANY THE NOTICE OF APPEAL.

1) A COPY OF THE NOTICE OF APPEAL ACCOMPANIED BY THE COURT DECISION TO BE CHALLENGED ON APPEAL (PREVIOUSLY INCLUDED IN APPEAL FILED JUNE 19TH, 2025, WITH THE SAME NOTICE OF APPEAL)
ATTACHMENT (#1)

2) PROOF THAT PETITIONER HAD SERVED A COPY OF THE NOTICE OF APPEAL WITH THE SPARTANBURG COUNTY CLERK OF COURT, (JUNE 19TH, 2025) SEE ENCLOSED [ATTACHMENTS #2-5]

ATTACHMENT (#2) COPY OF THE ENVELOPE THAT THE NOTICE OF APPEAL AND ATTACHMENTS WERE MAILED IN, TO THE SPARTANBURG COUNTY CLERK OF COURT.

RECEIVED

JUL 15 2025

PCI MAILROOM

ATTACHMENT (#3) PETITIONER'S LETTER TO THE SPARTANBURG COUNTY CLERK IN REFERENCE TO THE NOTICE OF APPEAL, WITH APPEAL STAMPED BY THE PERRY CORRECTIONAL INSTITUTIONAL MAILOOM STAFF.

ATTACHMENT (#4) COPY OF ENVELOPE PETITIONER RECEIVED NOTICE OF APPEAL AND ATTACHMENTS RETURNED FROM THE SPARTANBURG COUNTY CLERK OF COURT; ATTACHMENT (#6) (JULY 03, 2025)

ATTACHMENT (#5) JUDGES DECISION RECEIVED WITH THE RETURNED NOTICE OF APPEAL FILE STAMPED JUNE 12TH, 2025; COMPARE ATTACHMENT (#1) JUDGES DECISION WAS NOT FILE STAMPED.

Mary L. Petty
GARY LAMONT PETTY

This 15th day of July, 2025

The STATE of South Carolina
IN THE COURT of Appeals

Appeal From Spartanburg County
General Sessions Court

RECEIVED

JUL 22 2025

HONORABLE Judge HAYES, Circuit Court Judge
WARRANT # G023352-54; Indict. # 1999-48-42-
02357-59; APPELLATE CASE # 2025-001324

SC Court of Appeals

GARY LAMONT PETTY Appellant

v.

THE STATE OF SOUTH CAROLINA Respondent

PROOF OF SERVICE

I, Gary Lamont Petty, Certify that I have served
A copy of the Judges decision and proof that the
Spty. Co. Clerk of Court had been served with the
notice of appeal, with the Spty. Co. Clerk of Court
by depositing a copy in the U.S. mail, pre-paid
postage on July 15th, 2025, addressed as follows:

Amy W. Cox
Clerk of Court, Spty. Co.
P.O. Box 3483
Spartanburg, S.C. 29304

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: <i>Petty, Gary</i>	SCDC #: <i>264235</i>	Housing Unit: <i>(Q36) 224</i>	Date: <i>7/15/25</i>
--------------------------------------	--------------------------	-----------------------------------	-------------------------

GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

RECEIVED

To be completed by
SCDC staff:

Item	Amount
Envelope	
Pen	
Paper	
Postage	1
Other	

JUL 22 2025

SC Court of Appeals

*Served
Clock of Spring Co 3.00*

Cost

Sub-Total:

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

Item	Amount
Photocopies	

To be completed by
SCDC staff:

Cost
<i>3.00</i>

TOTAL

by photo

Inmate's Signature

Conwell

Mailroom/Canteen Signature (Request filled by)

7/15/2025

Date

White - Inmate
Canary - Mailroom/Canteen Employee



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 08, 2025

Gary L. Petty, 264235
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

RECEIVED
JUL 22 2025
SC Court of Appeals

Re: Gary Lamont Petty v. The State
Appellate Case No. 2025-001324

Dear Mr. Petty:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed.:

- The notice of appeal is not accompanied by a copy of the order challenged on appeal.
- You must provide proof that you have filed a copy of the notice of appeal with the Spartanburg County Clerk of Court.

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: Barry Joe Barnette, Esquire
Mark Reynolds Farthing, Esquire
Wanda H. Carter, Esquire

The State of South Carolina
In the Court of Appeals

RECEIVED

Appeal from Spartanburg County
Circuit Court

JUL 22 2025

SC Court of Appeals

7th Judicial Circuit Court, Honorable Judge HAZE, II

CASE/indictment no.: 1999-GS-42-02357 + 0 59

Related S.C. Supreme Court, appeal of per 2019-CP-42-04184

CASE # 2025-000821.

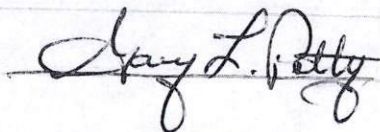
The State of South Carolina Respondent

v.

Grey Lamont Petty Appellant

Grey Lamont Petty appeals the dismissal and refusal to grant hearings on his Rule 29(b) and Juror misconduct motions for a new trial, made by the honorable Judge HAZE, II on June 6th, 2025

Appellant received written notice of the decision on June 13th, 2025.

This 19th day of JUNE, 2025 

Other Counsel of record: The Honorable PAMELY BAUNETTE
Solicitor, 7th Cir. Circuit
180 Magnolia St.
Spartanburg, S.C. 29306

The STATE of South Carolina
In the Court of Appeals

RECEIVED

JUL 22 2025

SC Court of Appeals

Appeal From Spartanburg County
General Sessions Court

Honorable Judge HAZE, Circuit Court Judge
Case/indictment # 1999-GS-42-02357 to 59

The STATE of South Carolina Respondent
v.
Gary Lamont Petty Appellant

Proof of Service

I, Gary Lamont Petty, Certify that I have served the
notice of appeal on Respondent(s) by depositing a copy
of it in the U.S. mail, prepaid postage on JUNE 19th 2025,
Addressed to: S.C. Court of Appeals

1220 SENATE ST.

Columbia, S.C.
29201

Gary L. Petty

Respondent: The Honorable BAKER BARNETTE
Solicitor, 7th Judicial Cir.
Spartanburg Co. Courthouse
180 MAGNOLIA ST.
Spartanburg, S.C. 29306

This 19th day of JUNE, 2025



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

June 6, 2025

Gary Lamont Petty, #264235
Perry Correctional Institute
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: 1999-GS-42-02357 to 59

Dear Mr. Petty:

The motions you filed with the Spartanburg County Clerk of Court's Office over the past year were forwarded to me to review. They were sent to me in my capacity as the Seventh Circuit Chief Administrative Judge for General Sessions matters.

After reviewing the numerous motions and filings, please be advised that, by copy of this letter to the Spartanburg Clerk of Court, I am instructing the Clerk to not schedule any of the motions for a hearing.

I write to you to advise you of my instructions in the event you desire to seek additional judicial review before other courts. If you wish to appeal my decision, please do so in a timely manner. I also wished you to have this letter so that you can also share it with the lawyer of your choice. My belief is that any lay person benefits from receiving independent legal advice—especially matters that are important as the ones you raise in these motions. I realize in the past you were represented by Joseph McCulloch of the Palmetto Innocence Project and William Yarborough of the Greenville Bar when you raised issues related to DNA. Mr. McCulloch and Mr. Yarborough should be considered by you as appropriate legal resources to share the content of this letter and advise you of your rights. These two lawyers are just my suggestions, please consult with whichever lawyer you feel best serves you.

As reflected in the materials, you received a life sentence to a Burglary First Degree and a 30-year sentence on a Criminal Sexual Conduct charge (the 5-year sentence for grand larceny has expired because of the time you have served). Since the time you were sentenced, you and your lawyers have filed numerous actions in circuit court and other courts challenging various aspects of your case. A review of the records indicates that you have been unsuccessful with your challenges. It does appear that additional DNA testing was accomplished in 2017. This DNA report indicated the following; "the major component DNA profile matches the DNA profile obtained from sample CCC 1666-0364-R03 (Gary Petty)".

PAGE TWO
GARY LAMONT PETTY, #264235
JUNE 6, 2025

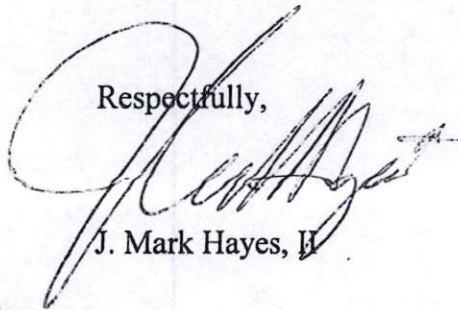
The new motions, in my opinion, are not properly filed and/or do not contain the required substantive claims to necessitate the scheduling of additional hearings by the circuit court. Expressed in more legal terms, a prima facie showing has not been made to justify conducting a hearing. Having reviewed the materials, these new motions, on their face, do not meet the standard for conducting a SCCrimR 29(b) review. Viewing the issues you raised in a manner most favorably to you, these issues, if true, should have been raised in your previous filings. Statute of limitations is a problem for you. Additionally, even though you assert you did not know of this information (jury information) until recently, the nature and existence of the information was available at the time of your trial, or at least within 12 months afterwards. Additionally, the affidavit filed is your own affidavit and contains inadmissible hearsay statements from your cousin. Additionally, your assertion through a Rule 29(b) motion of third party guilty of another man convicted of similar crimes that occurred during the same time as the ones you were convicted is, again, untimely, based upon inadmissible information—newspaper accounts—and is, at best, speculative—especially given the DNA information previously obtained. Again, no prima facie showing. Also, the issue of needing an actual “injury” to support a burglary conviction is not support in law.

The above is a brief summary of my reasons for instructing the Clerk of Court that no hearing will be needed on the motions you have filed.

Even though my decisions are not favorable and no hearing will be conducted, I understand these issues are important to you. Thus, I, again, encourage you to seek legal advice with an attorney. Please share this letter with them and your prior filings.

I wish you only the best.

Respectfully,



J. Mark Hayes, II

CC: The Honorable Amy Cox
Spartanburg County Clerk of Court
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, South Carolina 29306

CC: The Honorable Barry Barnette
Solicitor, Seventh Judicial Circuit
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, South Carolina 29306

JMH/smw

Attachment (#2)

J. MARK HAYES, I II, JUDGE
Circuit Court Judge, At - Large, Seat 5
180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306

RETURN SERVICE
REQUESTED

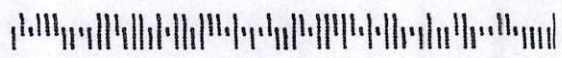
US POSTAGE
06/10/25

3824

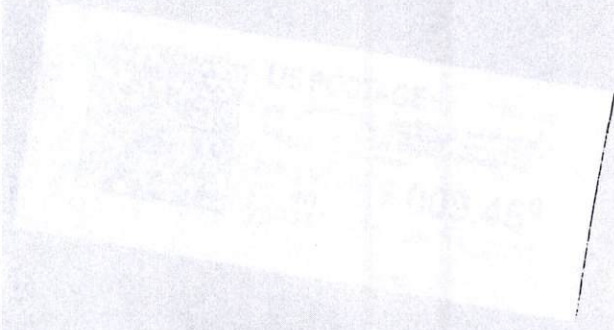
Gary Lamont Petty, #264235
Perry Correctional Institute
430 Oaklawn Road
Pelzer, South Carolina 29669

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JUN 13 2025
PCI MAILROOM

13 DRDU MP 29669



by LAMONT PETTY, #
204235/ Q3(b) 234
Clerk. Inst.
130 OAKLAND Rd.
Spartanburg, S.C. 29306



Attachment (# 3)

ATTN: GENERAL SESSIONS MATIONS
The Honorable Amy W. Cox
Spartanburg Co. Clerk of Court
120 Magnolia St.
Spartanburg, S.C. 29306

RECEIVED
JUN 19 2025
MAILROOM

ATTN: HONORABLE CLERK OF COURT

WHEN TIME PERMITS WILL YOU PLEASE
PROVIDE ME WITH A FILED STAMPED COPY
OF APPELLANT'S NOTICE OF APPEAL, AND FORWARD
A COPY TO THE SOLICITOR'S OFFICE

Thank you,
Gary Lamont Petty #204285
Petty Cook. Just.
430 Oaklawn Rd.
Pelzer, S.C. 29669

This 17th day of JUNE, 2025

TABLE OF CONTENT

TABLE OF AUTHORITY

POWELL, 2024 WL 3435567

AIDRET, 333 S.C. 307 AT 315

STATE V. MCCOY, 401 S.C. 363

WOODS, 345 S.C. AT 585

SPACKMAN, 358 S.C. 491

LYNCH V. CAROLINA SELF STORAGE CENTER, INC.

STATE V. WAKEFIELD, 443 S.C. 123

STATUTE

Right to peremptory challenge
Burglary first STATUTE 16-11-311

Constitutional Amendments

6th Amendment Right to fair and impartial Jury
Right to Jury Selection

14th Amendment Right to Due process of Law
And equal protection.

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JUN 19 2025

PCI MAILROOM

STATEMENT OF ISSUE ON APPEAL

- I. Did the trial Court Abuse its discretion in not granting the defendant a hearing on Juror misconduct motion for a new trial.
- II. Did the trial Court Abuse its discretion in not granting defendant a new trial on Rule 29(b) motion based upon ascertained evidence of there being no evidence to support physical injury element for burglary first degree.
- III. Did the trial Court Abuse its discretion in not granting the defendant a new trial on Rule 29(b) motion pursuant to evidence that the state presented false evidence during trial.

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JUN 19 2025

PCI MAILROOM

Did the trial Court Abuse its discretion
by not granting Appellant A hearing on
Jury misconduct motion

There is no evidence to support the trial Court's
decision to not hold hearings on Appellant's motion
stating that:

The motion did not meet required
standards and no prima facie showing had been
made, see (Attachment #1)

and also stated that Appellant stated that
he learned of the Jury information recently; and
the nature and existence of the Jury information
was available at the time of trial or within 12
months afterwards.

STANDARD

The showing made by Appellant's motion, pg. (Attachment #2)
are sufficient to establish a fact or raise inference
or assumption that the fact exist because of proof
of some other facts (Prima Facie)

The trial Court doesn't dispute Appellant's stated
facts for allegations, and has not stated cogent
and compelling reasons for not holding required hearing
on Appellant's claim.

The South Carolina Supreme Court has recently stated in Rowell, 2024 WL 3435567 (July 17th, 2024)

[1] THE QUESTION AS TO HOW THE TRIAL COURT SHOULD RESOLVE ALLEGATIONS THAT A JUROR CONCEALED INFORMATION DURING VOIR DIRE, ALLEGATIONS RAISED BY A DEFENDANT AFTER CONVICTION IN POST TRIAL INQUIRY.

[6] ONCE A PARTY HAS EXHIBITED DUE DILIGENCE AND HAS TIMELY RAISED A JUROR CONCEALMENT CLAIM.

SEE (ATTACHMENT #3 ; #)

AS STATED IN APPELLANT'S MOTION THERE'S TIMELY RAISED ALLEGATION THAT MEET THE STANDARD OF JUROR MISCONDUCT AS ALSO STATED IN APPELLANT'S TIMELY MADE 2025 AMENDMENT, SEE ATTACHMENT, (ATTACHMENT #5) (FILED AT TIME TRIAL COURT HAD MADE ITS DECISION) BASED UPON NEW STANDARD STATED IN ROWELL.

AS ALSO STATED IN ROWELL, IS [7] WHERE A PARTY CLAIMS A JUROR HAS WITHHELD MATERIAL INFORMATION IN RESPONSE TO VOIR DIRE QUESTION, THE TRIAL COURT MUST DETERMINE, PREFERABLY AFTER A HEARING, WHETHER THE JUROR'S WITHHOLDING SUGGEST BIAS.

[8] . . . A NEW TRIAL IS ORDERED ONLY WHEN PREJUDICE IS PROVEN.

11 12 13 . . . A hearing is almost always preferred based upon mere allegations of juror non-disclosure.

SEE ALSO ALBERT, 333 S.C. 307 AT 315, 6 ALLEGATIONS WARRANT A HEARING.

Evaluating the merits of a juror misconduct claim is a fact intensive inquiry which is most appropriately conducted after a hearing, SEE MCCOY, 9 10,

11 12 13 . . . A hearing is almost always preferred based upon mere allegations (where defendant can offer competent evidence,

Citing WOODS, 345 S.C. AT 585-86, SPACKMAN, 358 S.C. 491-496, AND LYNCH V. CAROLINA SELF STORAGE CENTER, INC., 409 S.C. 146, 160.

JUROR INFORMATION

Appellant asserts that he had learned of the Jurors) at the time he discovered and had seen a Juror list for the first time in 2010, see (Attachment # 6)

As the Jurors' names on the Jury list was the basis of a Juror disqualification claim for a new trial, pursuant to the 5-prong standard.

Then after obtaining Tori Smith's phone number in 2021, and calling her, my Cousin confirmed that the name on the Juror list was her (Juror #137) see Attachment #5, pg. 8 of 9) and had also confirmed the identity of Juror #144.

Appellant had not stated that he had recently learned of the Juror information, furthermore, the Juror information was not available to the defendant at time of trial, -nor within at least 12 months afterwards.

As also stated in Appellant's motion, (Attachment #5 pg. 7-10) the Jury trial Court had not conducted a Jury selection process as the Court stated it would, with the prospective Jurors' names called out and Juror standing in front of the courtroom, see (pg 12, L1-7) enclosed

This prevented the defendant from being aware of the disqualified jurors by not being able to hear their names or maybe being able to recognize the jurors.

NO juror list was provided to Counsel, SEE (Attachment #5) TR.P. 12, L. 1-18.) NO juror list was included as pages inside the transcript nor attached to the transcript as stated on pg. —, TR. pg. 25, L. 16-17, or appellant would have raised claim earlier.

AS STATED IN MCCOY, 401 S.C. 363 [9] [10], A CLAIM OF JUROR MISCONDUCT IS TO BE TIMELY RAISED, AS APPELLANT HAS EXHIBITED DUE DILIGENCE AND TIMELY RAISED THE CLAIM OF JUROR CONCEALMENT DURING VOIR DIRE:

• PCR APPLICATION (0251), SEE (ATTACHMENT #6) JUROR DISQUALIFICATIONS RAISED 2010-2011, BASED UPON JUROR LIST RECEIVED FOR THE FIRST TIME, RAISED WITHIN 1yr OF BASIS OF CLAIM BEING DISCOVERED, SEE CLERK FILE STAMP

CLAIM WAS DISMISSED PURSUANT TO INAPPLICABLE 5-People STANDARD FOR A NEW TRIAL, S.C. SUPREME COURT STATED IN MCCOY, [6]. SHOULD NOT BE BASIS OF SUMMARY DISMISSAL.

• ATTEMPTED AMENDMENT TO PCR APPLICATION (04184) CLERK FILE STAMP 2022 (ATTACH. #3) JUROR MISCONDUCT CLAIM BASED UPON PHONE CONVERSATION WITH DISQUALIFIED JUROR #137, CONFIRMING IDENTITY;

(5 of 10)

pce Application (04184) had already been dismissed without appellant being served with the final order for a year and 3 months, SEE Attachment # 7 pg 2 (1/12/24)

* The STATE attempted twice to have appellant abandon the Juror misconduct claim, that's been timely filed.

- Independent Juror misconduct motion filed MAY 9th, 2024 [due to the STATES procedural errors] based upon the Juror list and several other conversations with the disqualified Juror. (NO hearing); intentional/unintentional standard.

- Attempted Amendment 2025 SEE ENCLOSED ATTACHMENT ATTACH. # 5, based upon the new S.C. Supreme Court standard stated in Rowell. Trial Court's decision reversed 6/13/2025.

The trial Courts' decision is NOT reasonably supported by any evidence, and grounded in factual conclusions without evidentiary support and controlled by an error of law, causing prejudice to appellant as a hearing is to be granted.

Appellant has been deprived of 6th and 14th Amendment rights to a fair trial by an impartial Jury.

Did the trial Court Abuse its discretion
in not granting Appellant a new trial
based upon RULE 29(b) motion (bur. 1st)

The trial Court stated on its letter decision,
Attachment (#1) that evidence of this motion
could have been previously raised, did not
meet the statute of limitations and was
not after discovered evidence; and that
"injury to support burglary conviction is
not support in law."

The trial Court's conclusions have no evidentiary
support and is an error of law.

As stated in Appellant's motion, Attachment pg —
The evidence could not have been raised in prior
action due to being ascertained by the exercise of
due diligence and raised within 1 yr.

Appellant is entitled to a new trial, as the
stated after discovered evidence is such that will
change result of a new trial, has been discovered
since trial, could not in the exercise of due diligence
have been discovered prior to trial, is material and
not merely cumulative or impeaching, State v. Wakofield,
443 S.C. 123.

AS STATED IN APPELLANT'S RULE 29(b) MOTION, THE STATE HAD NOT PROVEN THAT INJURY HAD BEEN CAUSED BY THE DEFENDANT (PHYSICAL INJURY ELEMENT)

16-11-311 burglary; First Degree STATES

(A) A PERSON IS GUILTY OF BURGLARY IN THE FIRST DEGREE IF THE PERSON ENTERS A DWELLING WITH OUT CONSENT AND WITH INTENT TO COMMIT A CRIME IN THE DWELLING AND EITHER :

(1) WHEN, IN EFFECTING ENTRY OR WHILE IN THE DWELLING OR IN IMMEDIATE FLIGHT, HE OR ANOTHER PARTICIPANT IN THE CRIME :

(b) CAUSES PHYSICAL INJURY TO A PERSON WHO IS NOT A PARTICIPANT IN THE CRIME, (ETC)

(B) BURGLARY IS PUNISHABLE BY LIFE IMPRISONMENT.

PHYSICAL INJURY TO SUPPORT BURGLARY CONVICTION IS SUPPORTED BY LAW.

The trial Court has Abused its Discretion
in not granting Appellant A new trial
On his RULE 29(b) motion (DNA)

Appellant's motion was made within 1yr of the
evidence being discovered/ascertained, SEE (Attachment #8)
- - , based upon the STATES DNA EVIDENCE item,
Submission Form enclosed, ATTACHMENT (#9)

SEE motion file stamped by Clerk's office 2021
And has NOT received Adjudication, SEE ENCLOSED CLERK'S
LETTERS And public index pg. (ATTACHMENT #17 ? 10)

This Submission form shows that the STATE could
NOT submit its trial STATED DNA EVIDENCE item (no
PAPER WORK OR OTHER DOCUMENTATION) For the DNA retest,
indicating that the trial STATED DNA EVIDENCE WAS
FALSE,

The trial Court stated only part of the alleged
Bodes DNA testing result -

however, this COMPLETE paragraph (ATTACH. #11) is stated
in REFERENCE to an ALLEGED VAGINAL SWAB THAT WAS
NOT AN item that had been Collected from the CASE
Victim, there WAS NO penile/VAGINA penetration in CASE
From vic testimony pg 4 and medical report pg 3
(9.2.10)

Conclusion

DUE TO THE TRIAL COURTS ABUSE OF DISCRETION SHOWN APPELLANT RESPECTFULLY REQUEST THAT THIS HONORABLE COURT REVERSE AND REMAND HIS CASE BACK TO THE HONORABLE TRIAL COURT FOR HEARINGS TO BE HELD ON THE MOTIONS

Respectfully Submitted,

GARY LAMONT PERRY

Attachment (#4)

P

PRIORITY MAIL
U.S. POSTAGE PAID
SENDE
USPS Ship

AMY W. COX
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483



3B224

Gary Lamont Petty #264235
Q3-224
430 Oaklawn Road
Pelzer, SC 29669



USPS TRACKING # USPS Ship

9205 5903 6975 6901 0313 78

RECEIVED

JUL 03 2025

PCI MAILROOM

PRIORITY MAIL ★

TRACKED INSURED

UNITED STATES POSTAL SERVICE

Label 107R, July 2013



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

FILED
2025 JUN 12 PM 4:13
CLERK OF COURT
SPARTANBURG COUNTY
BY W. COX
180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 582-4144
FAX: (864) 582-4142
E-MAIL: mhayesj@sccourts.org

June 6, 2025

Gary Lamont Petty, #264235
Perry Correctional Institute
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: 1999-GS-42-02357 to 59

Dear Mr. Petty:

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After reviewing the numerous motions and filings, please be advised that, by copy of this letter to the Spartanburg Clerk of Court, I am instructing the Clerk to not schedule any of the motions for a hearing.

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As reflected in the materials, you received a life sentence to a Burglary First Degree and a 30-year sentence on a Criminal Sexual Conduct charge (the 5-year sentence for grand larceny has expired because of the time you have served). Since the time you were sentenced, you and your lawyers have filed numerous actions in circuit court and other courts challenging various aspects of your case. A review of the records indicates that you have been unsuccessful with your challenges. It does appear that additional DNA testing was accomplished in 2017. This DNA report indicated the following; "the major component DNA profile matches the DNA profile obtained from sample CCC 1666-0364-R03 (Gary Petty)".

PAGE TWO
GARY LAMONT PETTY, #264235
JUNE 6, 2025

FILED

2025 JUN 12 PM 4:13

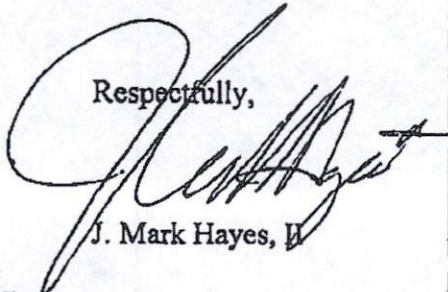
The new motions, in my opinion, are not properly filed and/or do not contain the required substantive claims to necessitate the scheduling of additional hearings by the circuit court. Expressed in more legal terms, a prima facie showing has not been made to justify conducting a hearing. Having reviewed the materials, these new motions, on their face, do not meet the standard for conducting a SCCrimR 29(b) review. Viewing the issues you raised in a manner most favorably to you, these issues, if true, should have been raised in your previous filings. Statute of limitations is a problem for you. Additionally, even though you assert you did not know of this information (jury information) until recently, the nature and existence of the information was available at the time of your trial, or at least within 12 months afterwards. Additionally, the affidavit filed is your own affidavit and contains inadmissible hearsay statements from your cousin. Additionally, your assertion through a Rule 29(b) motion of third party guilty of another man convicted of similar crimes that occurred during the same time as the ones you were convicted is, again, untimely, based upon inadmissible information—newspaper accounts—and is, at best, speculative—especially given the DNA information previously obtained. Again, no prima facie showing. Also, the issue of needing an actual “injury” to support a burglary conviction is not support in law.

The above is a brief summary of my reasons for instructing the Clerk of Court that no hearing will be needed on the motions you have filed.

Even though my decisions are not favorable and no hearing will be conducted, I understand these issues are important to you. Thus, I, again, encourage you to seek legal advice with an attorney. Please share this letter with them and your prior filings.

I wish you only the best.

Respectfully,



J. Mark Hayes, II

CC: ~~The Honorable Amy Cox~~
Spartanburg County Clerk of Court
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, South Carolina 29306

CC: The Honorable Barry Barnette
Solicitor, Seventh Judicial Circuit
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, South Carolina 29306

JMH/smw

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

GARY LAWSON PERRY, # 264235 / Q36)224
PERRY CORR. INST.
430 OAKMAN RD.
PETZOK, S.C. 29669



RECEIVED
JUL 17 2025
PCI MAILROOM

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JUL 22 2025
SC Court of Appeals

S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

7/22/25

LEGAL MAIL