

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

NOV 12 2025

S.C. SUPREME COURT

Honorable Grace Gilchrist Knie, Circuit Court Judge

Leonard Lee Foster

PETITIONER

v

State of South Carolina

RESPONDENT

APPELLATE CASE NO. 2025-000900

WRITTEN MEMORANDUM

Leonard Lee Foster #179576
WRCI Dorm 3 C-side
P.O. Box 189
Rembert S.C. 29128-0189

Issue

1. Did circuit judge err by summary dismissing second PCR hearing as untimely and successive without a hearing?

Summary of Argument

Appellate contend S.C. Code Ann. 17-27-45 (c) is applicable in this case whereas he could not have raised this issue in initial PCR application or within one year after sending the remittitur to the lower court because it was unknown to him. And the enlightenment from classification that his sentences exceeded statutory limit is a genuine issue of material fact not previously presented and heard that requires vacation of conviction or sentence, and the application was filed within one year after the date of actual discovery of the fact by the exercise of reasonable diligence.

Leamon v State 363 SC 432, 611 S.E.2d.494 when reviewing the propriety of a summary dismissal of an application for post conviction relief the Supreme Court must view the facts in light most favorable to the applicant.

Conclusion

Based on the foregoing Appellate would request this Court grant petition and remand the case for resentencing hearing.

November 7, 2025

Respectfully Submitted
Leonard Foster

Leonard L. Foster #179576
WRCI Dorm 3 C-side
P.O. Box 189
Rembert S.C. 29128-0189

COLUMBIA SC 290

7 NOV 2025 PM 2 L



FOREVER / USA

The Supreme Court of South Carolina
Patricia A. Howard, Clerk of Court
Post office Box 11330
Columbia S.C. 29211

RECEIVED

NOV 12 2025

S.C. SUPREME COURT

29211-133030

