

STATE OF SOUTH CAROLINA
In The Supreme Court
Certiorari to Cherokee County

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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

MEMORANDUM OF POINTS AND
AUTHORITIES

Leonard Lee Foster

Issue Presented

The circuit judge erred in dismissing petitioner's second PCR action challenging his sentences as excessive based on newly discovered evidence that established proof that his sentences did comport with the proper "one offense" statutory sentencing requirement.

Brief in Support

Appellant contend newly discovered evidence is not material to his guilt or innocent but does manifest a genuine issue of material fact that requires vacation of the conviction or sentence pursuant S.C. Code 17-27-45 (C) because imposing consecutive sentences was a 14 Amendment violation.

And it did not comport with the proper "one offense" statutory sentencing requirement pursuant S.C. Code 56-1-1020; and S.C. Code 17-25-50

State v Boyd 288 S.C. 206, 209-10, 341 S.E.2d 144, 146 (Ct. App. 1986)

We hold that where a defendant has been convicted on two or more counts for the violation of the Controlled Substance Act, arising out of simultaneous acts committed in the course of a single incident the convictions will be considered as only "one" for the purpose of sentencing under a subsequent conviction for a violation of the Controlled Substance Act.

Conclusion

Based on the foregoing Appellant request that this Court grant petition and remand the case for resentencing.

November 8, 2025

Respectfully Submitted

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