

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 26 2026
SC Court of Appeals

State of South Carolina
Plaintiff

v.

Aubrey Tucker
Defendant

Indictment Number 2022 GS 08007 4000 742
Berkeley County Court of General Sessions
Trial Judge Leah Guerry

MOTION FOR PERMISSION TO FILE SUPPLEMENTAL BRIEF

Defendant Aubrey Tucker respectfully moves this Court for permission to file the attached Supplemental Brief in support of his appeal and in support of vacating an illegal sentence.

This motion is made for the following reasons.

First, the legality of a criminal sentence presents a jurisdictional issue that may be raised at any time. Courts have a continuing duty to correct sentences imposed without statutory authority.

Second, the attached Supplemental Brief raises significant legal questions concerning whether a sentence of life imprisonment without parole may be imposed where the State did not file notice of intent to seek the death penalty as required under South Carolina law.

Third, the issues presented involve statutory interpretation of South Carolina Code Section 16 3 20 and constitutional questions involving due process, the right to jury trial, and judicial authority to impose punishment.

Fourth, consideration of these issues will assist the Court in resolving the appeal and ensuring that the sentence imposed complies with statutory and constitutional requirements.

Finally, allowing the filing of the Supplemental Brief will not prejudice the State and will promote the proper resolution of an important sentencing issue.

WHEREFORE, Defendant respectfully requests that this Court grant permission to file the attached Supplemental Brief.

Respectfully submitted,

Aubrey Tucker


Aubrey Tucker

Broad River Correctional Institution
4460 Broad River Road
Columbia South Carolina 29210

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AFFIDAVIT IN SUPPORT OF MOTION FOR PERMISSION TO FILE
SUPPLEMENTAL BRIEF

I, Aubrey Tucker, being duly sworn, state as follows.

1. I am the Defendant in the above captioned case.
2. I am currently incarcerated at Broad River Correctional Institution.
3. I am proceeding in this appeal without the assistance of counsel.
4. After further review of the record and applicable law, I have identified additional legal issues concerning the legality of the sentence imposed in this case.
5. The attached Supplemental Brief addresses important questions involving statutory sentencing authority and constitutional protections.
6. These issues were not fully presented previously and are necessary to ensure that the Court has a complete understanding of the legal questions involved.
7. I respectfully request permission to file the Supplemental Brief so the Court may consider these issues.

Aubrey Tucker #308880
Broad River Court Apt
4460 Broad River Rd
Columbia, SC .29210

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