

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM ANDERSON  
COUNTY COURT OF COMMON PLEAS

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JUN 18 2026

R. SCOTT SPROUSE, CHIEF ADMINISTRATIVE JUDGE <sup>SC</sup> SUPREME COURT

ALBERT LEE EVANS \_\_\_\_\_ PETITIONER

✓  
THE STATE OF SOUTH CAROLINA \_\_\_\_\_ RESPONDENT

APPELLATE CASE NO. 2026-001256  
TRIAL COURT NO. 2026-CP-04-01226

BRIEF OF APPELLANT

ALBERT LEE EVANS  
200 PRISON RD  
ENDREE SC 29335  
51 Albert Lee Evans

ARGUMENT QUESTION

1. DID THE COURT HAVE SUBJECT MATTER JURISDICTION TO ENTERTAIN PETITIONERS HABEAS CORPUS PETITION WHICH IS FOUNDED ON NEWLY DISCOVERED EVIDENCE SUPPORTING HIS ILLEGAL SENTENCING?

# TABLE OF AUTHORITIES

## CASES

STATE V. PHILLIPS 734 SE2D 650 (2012)  
STATE V. LINDSEY 583 SE2D 740 (2003)  
STATE V. WOODY 545 SE2D 521 (2003)  
MAJOR V. MAJOR 2026 WL 1314472

## STATUTES

S.C. CODE ANN. 17-25-45  
S.C. CODE ANN. 16-23-490

## ARGUMENT

1 THE LOWER COURT LACKED JURISDICTION TO SENTENCE PETITIONER TO A LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE UNDER 17-25-45 AND 16-23-490

## STATEMENT OF THE CASE

ON AUGUST 11, 1999, A JURY FOUND PETITIONER GUILTY OF MURDER IN CASE NO. 99-GS-04-0951, BURGLARY FIRST DEGREE 99-GS-04-0952 AND GUILTY OF POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME 99-GS-04-0953 RESPECTIVELY.

THE HONORABLE J.C. (BUDDY) NICHOLSON, JR. SENTENCED THIS PETITIONER TO LIFE WITHOUT PAROLE, 30 YEARS AND 5 YEARS CONCURRENT

ENHANCING PETITIONERS SENTENCE WITH INVALID AND DISMISSED PRIORS WHICH VIOLATE 17-25-45 AND VIOLATE 16-23-490

PLEASE SEE STATE V PHILLIPS STATE V. LINDSEY STATE V. WOODY AND 17-25-45 AND THE ATTACHED EXHIBITS IN SUPPORT.

16-23-490 PROVIDES "THE FIVE YEAR SENTENCE DOES NOT APPLY IN CASES WHERE THE DEATH PENALTY OR A LIFE SENTENCE WITHOUT PAROLE IS IMPOSED FOR THE VIOLENT CRIME"

THE LOWER COURT CONCLUDED ERRONEOUSLY "THIS FILING BY PETITIONER IS DENIED AND SHALL BE REJECTED BY THE CLERK OF COURTS OFFICE"

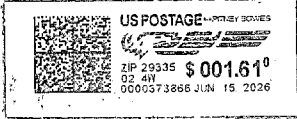
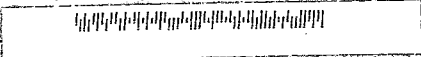
HOWEVER!, IN MAJOR V. MAJOR 2026 WL 131-4472, THE S.C. COURT OF APPEALS HELD, "THE SUBJECT MATTER JURISDICTION OF A COURT AND THE PROPER INTERPRETATION OF A STATUTE ARE BOTH QUESTIONS OF LAW"

"LACK OF SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANYTIME AND MAY BE RAISED FOR THE FIRST TIME ON APPEAL"

### CONCLUSION

BASED ON THE LOWER COURTS LACK OF JURISDICTION TO IMPOSE LIFE WITHOUT PAROLE AND THE FIVE YEAR SENTENCE THIS COURT SHOULD REMAND FOR RESENTENCING. S/Albert Evans 6/14/26

ALBERT LUTINA  
260409 LG  
200 PRISON RD  
ENOREE, SC  
29335



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THE SUPREME COURT OF SOUTH CAROLINA  
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