

The State Never at any point in time denied, refuted, or disputed any of the Claims or Facts Conclusively, or in any Way. Which means pursuant to rule 8 of the SCRCP that they are all admitted to

In instances Like this, it has been determined in *Robertson v. State* 418 S.C. 505 that where a defendant alleges, in a Successive post Conviction relief (PCR) Application Facts that would establish an exception to either the statute of Limitations or the prohibition against Successive PCR applications and those facts are not conclusively refuted by the record before the PCR Court, a question of fact is raised which can only be resolved by a hearing S.C. Code Ann §§17-27-45(A), §17-27-70(b), and 17-27-90

The Fact that defendant is actually innocent, state proceeded in Fraud and used Fraud to Obtain Conviction as well as all other claims are exceptions to the statute of Limitation and the prohibition against Successive applications purs. to Butler & in the Interest of Justice

So the appropriate thing to do in this case is remand it back to the PCR Court to have a hearing on the issues & Facts Because the judge erred in not Giving me a hearing on the Facts which were refuted

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