

THE SUPREME COURT OF SOUTH CAROLINA  
IN THE SUPREME COURT

PATRICK STROZIER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

**RECEIVED**

FEB 21 2014

S.C. SUPREME COURT

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## QUESTIONS PRESENTED

- (1) DID PETITIONER FAILED TO SHOW AN ARGUABLE BASIS FOR ASSERTING THE DETERMINATION BY THE LOWER COURT WAS IMPROPER.?
- (2) DID PETITIONER SUBMIT THE REQUIRED EXPLANATION REQUIRED BY RULE 243 (C), SCACR.?
- (3) DID THE SOUTH CAROLINA SUPREME COURT CONSTRUED PETITIONER EXPLANATION BY RULE 243 (C) SCACR WAS PROPER.?

## BACKGROUND

PETITIONER SUBMITS THIS PETITION UNTO THIS COURT TO CLARIFY THE EXPLANATION AS TO THE CIRCUIT COURT DETERMINATION THAT PETITIONER ACTION IS BARRED AS BEING SUCCESSIVE AND/OR BEING UNTIMELY UNDER THE STATUTE OF LIMITATIONS, RULE 243 (C) OF THE SOUTH CAROLINA APPELLATE COURT RULES. ON JAN 30, 2014 THIS COURT CONCLUDED THAT PETITIONER FAILED TO SHOW THERE IS AN ARGUABLE BASIS FOR ASSERTING THE DETERMINATION BY THE LOWER COURT WAS IMPROPER. FURTHERMORE THIS COURT HAS INTERPRET PETITIONER EXPLANATION AS "ARGUMENTS UPON THE ORDER OF THE CIRCUIT COURT." MOREOVER, THIS COURT HAS PROHIBIT PETITIONER FROM FILING ANY FURTHER COLLATERAL ACTIONS IN THE CIRCUIT COURT, INCLUDING PCR ACTIONS AND HABEAS CORPUS ACTIONS, CHALLENGING MY 1984 CONVICTION. WITHOUT FIRST OBTAINING PERMISSION TO DO SO FROM THIS COURT.

PETITIONER SUBMITT THE FOLLOWING QUESTION WITH SUPPORTING DOCUMENTS FOR THIS COURT TO REVIEW IN ORDER TO GET PERMISSION TO OBTAIN APPELLATE REVIEW FROM AN CONVICTION WHICH DENIED PETITIONER DUE PROCESS OF LAW.

## I.

DID PETITIONER FAILED TO SHOW AN ARGUABLE BASIS FOR ASSERTING THE DETERMINATION BY THE LOWER COURT WAS IMPROPER?

PETITIONER DID SHOW AN ARGUABLE BASIS THAT THE DETERMINATION BY THE LOWER COURT WAS IMPROPER BY THE FACT THAT PETITIONER SUBMITTED HIS EXPLANATION REQUIRED BY RULE 243 (C) SCAC. ALSO THE FACT PETITIONER WAS DENIED A PRELIMINARY HEARING WHICH NOW THE COURT OF GENERAL SESSIONS NEVER HAD JURISDICTION.

## II.

DID PETITIONER SUBMIT THE REQUIRED EXPLANATION REQUIRED BY RULE 243 (C), SCAC?

PETITIONER SUBMITTED HIS EXPLANATION UPON THE SUCCESSIVE AND HIS PCR APPLICATION BEING UNTIMELY UNDER THE STATUTE OF LIMITATIONS. PETITIONER SUBMITTED THE EXPLANATION WHICH CONTAIN SUFFICIENT FACTS, ARGUMENT AND CITATION TO LEGAL AUTHORITY WHICH SUPPORTED AN ARGUABLE BASIS FOR ASSERTING THE DETERMINATION BY THE LOWER COURT WAS IMPROPER.

THEREFORE PETITIONER SUBMITTED UPON THIS COURT WHETHER  
PELOQUIN V. STATE, 469 S.E. 2d 606 (1996). WHICH HELD THAT  
SECTION 17-27-45 SHALL APPLY TO ALL APPLICATIONS FILED AFTER  
JULY 1, 1996. THE PELOQUIN HOLDING SHOULD BE RE-EXAMINED  
IN LIGHT OF EVIDENCE OF LEGISLATIVE INTENT THAT THE  
STATUTE OF LIMITATIONS SHOULD BE APPLIED PROSPECTIVELY ONLY.

IN GENERAL, A STATUTE IS PRESUMED PROSPECTIVE ONLY, NOT  
RETROACTIVE, UNLESS THERE IS CLEAR LEGISLATIVE INTENT TO  
THE CONTRARY. FIDELITY AND CASUALTY INS. CO. V. NATIONWIDE  
INS. CO., 278 S.C. 332, 293 S.E. 2d 783 (1982). LEGISLATIVE  
INTENT REGARDING RETROACTIVITY IS CLEAR WHEN THE  
STATUTE "LEAVE[S] NO ROOM FOR DOUBT". SOUTH CAROLINA  
NAT'L BANK V. SOUTH CAROLINA TAX COMM'N., 297 S.C. 279,  
326 S.E. 2d 512, 513 (1989). OTHERWISE, THE LAW IS  
FIXED WHEN A CAUSE OF ACTION ACCRUES, AND NO CHANGE  
OF THE STATUTES OF LIMITATIONS MAY BE EFFECTED BY  
ANY LATER LEGISLATION FIXING A DIFFERENT PERIOD.  
UNITED STATES RUBBER CO.; V. McMANUS 211 S.C. 342 45 S.E.  
2d 335, 336-37 (1947), QUOTING AND UPHOLDING GLOVER V.  
FLOYD, 76 S.C. 292, 57 S.E. 25, 27 (1907). THESE ARE  
"MERELY" RULES OF CONSTRUCTION, HOWEVER WHICH MUST  
GIVE WAY TO CLEAR LEGISLATIVE INTENT REGARDING

PROSPECTIVE OR RETROACTIVE APPLICATION: THIS IS THE  
"PARAMOUNT RULE" JENKINS V. NEARS, 302 S.C. 142, 394  
S.E.2d. 312, 319 (1990).

III.

DID THE SOUTH CAROLINA SUPREME COURT CONSIDER  
PETITIONER EXPLANATION PURSUANT TO RULE 243 (C)  
SCACR WAS PROPER?

PETITIONER STATES THE SOUTH CAROLINA SUPREME COURT  
DENIAL OF PETITIONER EXPLANATION PURSUANT TO RULE  
243 (C) SCACR WAS PRESENTED TO THIS COURT AS  
PROSPECTIVE OR RETROACTIVE OF SECTION 17-27-45  
AS TO HOW THIS SECTION APPLIES TO PETITIONER.

PETITIONER STATES HE IS REQUESTING A RULING  
UPON THE EXHIBITS WHICH ARE ENCLOSED AS TO THE  
PRELIMINARY HEARING WHICH WAS DEMANDED ON  
NOV. 29, 83, BUT WAS HELD ON NOV. 15, 83 WHICH  
PETITIONER WAIVED HIS CONSTITUTIONAL RIGHT TO  
THIS HEARING. THEREFORE FOR THIS COURT TO  
BLOCK ANY OTHER COLLATERAL ACTIONS UPON ANY  
CONVICTIONS WHICH THE COURT OF GENERAL SESSIONS

NEVER HAD JURISDICTION TO TRY PETITIONER BEFORE  
HAVING A PRELIMINARY HEARING. (SEE EXHIBITS)

PETITIONER STATES HIS CASE WARRANTS RECONSIDERATION  
UPON THIS ISSUE WHEREBY THE DECISION RESTS  
WITH THIS COURT.

### SUPPORTING FACTS

PETITIONER HAS RECEIVED CORRESPONDENCE FROM  
SPARTANBURG COUNTY DEPUTY ADMINISTRATOR UPON  
PETITIONER RECEIVING DISCOVERY MATERIALS. THE  
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
McCORMICK CORRECTIONAL INSTITUTION HAS  
RECEIPT OF CORRESPONDENCE.

PETITIONER RESPECTFULLY REQUEST UNTO THIS  
COURT FOR A REVIEW OF HIS CASE. UPON  
THE PRELIMINARY HEARING / JURISDICTION.

31 Patrick Strozier  
PATRICK STROZIER



EXHIBIT C

11-10-83

STATE OF SOUTH CAROLINA

County of \_\_\_\_\_  
or Municipality of \_\_\_\_\_

A978669 PASLAY  
THE STATE  
against

PATRICK GEARD STROZIER

ARREST WARRANT

Offense KIDNAPPING, CRIMINAL SEX. CONDUCT  
16-3-910 16-3-651 & 16-3-552

Code (or Ordinance) Section \_\_\_\_\_

Date 11-8-83

Officer and Agency \_\_\_\_\_

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

Co-Defendants \_\_\_\_\_

INFORMATION ON DEFENDANT

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_

Weight \_\_\_\_\_ Birthdate \_\_\_\_\_

Social Security Number \_\_\_\_\_

INFORMATION ON WITNESSES

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

PRELIMINARY HEARING

Judge Overcash

on Nov 15, 1983

with Chalis Sanders  
Attorney for Defendant.

Decision: Waived

BAIL

Date Set \_\_\_\_\_, 19\_\_\_\_

Judge \_\_\_\_\_

Amount \_\_\_\_\_

Surety \_\_\_\_\_

ANNETH R. HUCKABY

NOV 10 1983

FILED  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF McCormick ) VERIFICATION  
)

I PATRICK STROUER, DEPOSE AND STATE THAT  
I SERVED THE FOLLOWING NOTICE OF APPEAL  
AND PETITION BY DEPOSITING A COPY WITHIN  
THE U. S. MAIL POSTAGE PRE-PAID MAILED  
TO THE FOLLOWING ADDRESS:

THE SUPREME COURT OF SOUTH CAROLINA  
DANIEL E. SHEARDUSE CLERK  
P. O. BOX 11330  
COLUMBIA, S.C. 29211

SWORN AND SUBSCRIBED BEFORE ME  
THIS 18 DAY OF Feb 2014

J. Frankler  
NOTARY PUBLIC

<sup>31</sup> Patrick Strouer  
PATRICK STROUER

MY COMMISSIONS EXPIRES 12-16-2019

MR. PATRICK STROZIER #119519

McCORMICK CORRECTIONAL INST.

386 REDEMPTION WAY

McCORMICK, S.C. 29849

THE SUPREME COURT OF SOUTH CAROLINA  
C/O CHIEF JUSTICE JEAR TOAL

POST OFFICE BOX 11330

COLUMBIA, S.C. 29211