

State of South Carolina

In the Supreme Court

Appeal from Spartanburg County

J. Mark Hays II Circuit Court Judge

Jeffrey E. Duke II 13471

Petitioner,

v.

State of South Carolina

Respondent.

Appellate Case No.

2013-000215

Motion to Amend

To Pet-see Brief

Now Comes Petitioner Jeffrey E. Duke with Amendment to Pet-see motion filed on Sept 20, 2013, in the Supreme Court. This motion is to show that the state specifically relied on the existence of a prior record to enhance Mr. Duke's charges to a 3rd subsequent offense. But clearly the record will show that the state never showed any convictions were a 3rd subsequent offense could be used. On page 14 line 10-25 where the solicitor makes the statement that all these charges were 3rd subsequent offenses. The court in this case filed to more specific finding as to the existence of prior record. Because on page 31, 32 where Judge Hays for Pet-see record the solicitor only read off (12) charges. And in order to enhance a charge you have to show where this has been a conviction. And they don't show where Mr. Duke was convicted of any of the charges. The solicitor read off (12) charges so convicted. So in light of the failure of prior convictions to indicate that they were 3rd to enter a enhancement An record fail to establish a proper basis for application to be sentenced under the enhancement. As a result Mr. Duke (40) ~~year~~ year sentence should be set aside and the case remanded for re-sentencing to the least of (10) new years

CONCLUSION

Based on the foregoing the convictions and sentence of Appellant should be reversed.

Respectfully submitted

Jeffrey E. Duke 13471

2/24/14

~~Mr. Attorney General~~

Mr. Jethro E. Butler 131471

WJCEI F-2-192-13

386 Redemption Way

Columbia S.C. 29899

Per Mail

The Supreme Court of South Carolina

Daniel E. Shearhouse

Clerk of Court 11330

Post Office Box ~~11330~~  
Columbia S.C. 29211