

Leroy Shaw #301480  
McCormick Corr. Inst.  
386 Redemption Way  
McCormick, S.C. 29879

Daniel E. Shearouse  
Clerk of Court  
Post Office Box 11330  
Columbia, S.C. 29211

RE: 2014-000854

**RECEIVED**

MAY 07 2014

S.C. SUPREME COURT

Dear Clerk

I am sending you two copies of Certificate of Service, two copies of Response Written Explanation and two Exhibits. To be clerk-stamped and filed. Could you send me a stamped copy back for my files. I am sending you a self address envelope for my copy. Thank you in this regards. Please stamped the Exhibits.

Respectfully Submitted,

Date: May 02, 2014

s/ Leroy Shaw  
Leroy Shaw #301480

REC'D  
MAY 13 2014

Leroy Shaw # 301480,

Petitioner,

vs.

State of South Carolina

Respondant,

The Supreme Court of South Carolina  
Appellate case no: 2014-000854

Response

**RECEIVED**

Written Explanation  
MAY 07 2014

Illegal Three Strike  
S.C. SUPREME COURT

The reason the petitioner find this determinations was improper, is because in Wilson vs. State, cite as 559 S.E. 2d 581 (S.C. 2002). The Supreme Court of S.C. has ruled, in Odom vs. State, 337 S.C. 256, 523 S.E. 2d 753 (1999), that the one year statute of limitations required by S.C. Code Ann. Statute 17-27-45 (A.), does not apply to Austin Appeals. Austin Appeals do not have to be filed within the one year statute of limitations because they are belated appeals intended to correct unjust procedural defects. The P.C.R. Judge err in allowing the State to use the statute of limitations as a defense when their is a precedent case that have been ruled on by Chief Justice Toal. The petitioner P.C.R. Issues and 59 (E.) motion issues are belated appeals or Austin appeals issues that are unjust procedural defects. The petitioner contended that the State used an illegal three strike, to enhance his sentence. Petitioner contended that prior 1993 second Degree Burglary conviction should not have been considered under the enhancement provision of statute "17-25-45," Because it did not present a risk of physical injury to another person, nor classify as a violent offense, when the prior conviction is facially insufficient to satisfy the definition of a violent offense under statute 16-1-60 in 1993. And thus is a non-violent under 16-1-70 and statute 21-21-610. Second degree Burglary was not enumerated when prior offense occur or conviction occur in 1993. "See Exhibit-B," Improper classification as a career offender and when the improper classification results in a

Significantly greater sentence. Petitioner never was indicted for 16-11-312(B.) in 1993, nor was 16-11-312(B.) in existence in 1993. Because Second degree Burglary was not enumerated until 1996, according to Statute 17-25-45. Statute 17-25-45 also stated that all crimes committed on or after the Act's effective date of January 1, 1996, Life sentence for person convicted for certain crimes. Petitioner contended that state used unjust procedural when it used his prior 1993 Second Degree Burglary conviction when the prior 1993 Second Degree Burglary did not meet the criterion of Statute 17-25-45 enhancement provision. According to statute 17-25-60, it states: Change of sentence where former convictions were not considered at time of imposition. Chronological or procedural sequence of former convictions as affecting enhancement of penalty of habitual offender statutes. State could not use earlier conviction to support enhancement, nor did state present sufficient evidence to support claim that prior conviction was a crime of violence in support of career offender enhancement. Therefore, from all inferences drawn from above, Petitioner received unjust procedural defects and denied the opportunity to comply with the state's procedures and obtain an adjudication on the merits of his claim. All the action in this matter undermined the petitioner's Due process rights and A Denial of Fundamental Fairness Shocking to the universal Sense of Justice. The petitioner bring this appeal up under Statute 17-2290.

Respectfully Submitted,

Date: May 02, 2014

S. Leroy Shaw  
Leroy Shaw # 301480

DOCKET NO. 93-65-14-339

**The State of South Carolina,**

County of CLARENDON

EXHIBIT-B

**WITNESSES**

MANNING PD

J. M. Bradham

Doug Ridgeway

Cory McWhite

D. R. Walker

Dan Cuttler

Lakewood Laundry Mat

Coffee Break Video Parlor

ARREST WARRANT NO. D 795281 - D 795283

5/19/93

**ACTION OF GRAND JURY**

*True Bill*

*7/29/93*

*Walter L. Ernest*

Foreman of Grand Jury

**VERDICT**

Foreman of Petit Jury

Date:

**COURT OF GENERAL SESSIONS**

AUGUST TERM 1993

**THE STATE**

vs.

LERROY R. SHAW

**Indictment for**

BURGLARY-SECOND DEGREE (3 COUNTS),  
POSSESSION OF BURGLARY TOOLS (2  
COUNTS) AND GRAND LARCENY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CLARENDON )

INDICTMENT FOR BURGLARY-SECOND DEGREE (3  
COUNTS), POSSESSION OF BURGLARY TOOLS (2  
COUNTS) AND GRAND LARCENY

At a Court of General Sessions, convened on August 2, 1993, the Grand Jurors of Clarendon County present upon their oath:

COUNT ONE - BURGLARY-SECOND DEGREE

That one LEROY R. SHAW did in Clarendon County on or about April 25, 1993, wilfully and unlawfully enter the building of: Lakewood Laundry Mat, without consent and with the intent to commit a crime therein and the defendant did enter or remain therein in the nighttime.

COUNT TWO - POSSESSION OF BURGLARY TOOLS

That one LEROY R. SHAW did in Clarendon County on or about April 25, 1993, possess a burglary tool used to gain unlawful entry into a building, to wit: tire tool.

COUNT THREE - BURGLARY-SECOND DEGREE

That one LEROY R. SHAW did in Clarendon County on or about April 25, 1993, wilfully and unlawfully enter the building of: Coffee Break Video Parlor, without consent and with the intent to commit a crime therein and the defendant did enter or remain therein in the nighttime.

COUNT FOUR - GRAND LARCENY

That one LEROY R. SHAW did in Clarendon County on or about April 25, 1993, feloniously take and carry away personal goods of Coffee Break Video Parlor, of the value of more than Two Hundred Dollars, described as follows: \$591.00 in cash, with intent to deprive the owner permanently of such property.

COUNT FIVE - BURGLARY-SECOND DEGREE

That one LEROY R. SHAW did in Clarendon County on or about May 19, 1993, wilfully and unlawfully enter the building of: Lakewood Laundry Mat, without consent and with the intent to commit a crime therein and the defendant did enter or remain therein in the nighttime.

COUNT SIX - POSSESSION OF BURGLARY TOOLS

That one LEROY R. SHAW did in Clarendon County on or about May 19, 1993, possess a burglary tool used to gain unlawful entry into a building, to wit: tire tool.

Against the peace and dignity of the State and contrary to the statute in such case as made and provided.

CEP TRUE COPY  
OF OR IN THIS OFFICE

DATE

2/12/03

*Burlah B. [Signature]*

CLERK OF COURT  
CLARENDON COUNTY, SC

*Waide S. Kolb, Jr.*  
SOLICITOR WAIDE S. KOLB, JR.

Leroy Shaw # 301480

Petitioner,

vs.

State of South Carolina  
Respondant,

The Supreme Court of South Carolina  
Appellate Case No: 2014-000854

### Certificate of Service

The undersigned hereby certifies that a notice of Certificate of Service and Response Written Explanation has been served upon the Honorable Daniel E. Shearouse, Clerk of the Supreme Court, Post Office Box 11330, Columbia, S.C. 29211 and also on opposing Counsel, Asst. Attorney General, Daniel Gourley, Post Office 11549, Columbia, S.C. 29211-1549, Esquire. By mailing three copies in envelopes properly addressed with postage prepaid this 02 day of May 2014.

Sworn before me on 02 day  
of May 2014.

J. Frankles  
NOTARY Public for South Carolina  
My Commission Exp: 12/16/2019

Leroy Shaw  
Leroy SHAW # 301480  
McCormick Corr. Inst.  
386 Redemption Way  
McCormick, S.C. 29899

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Respondent,

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Written Explanation

Illegal Three Strike

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Classification results in a significantly greater sentence. Petitioner never was indicted for 16-11-312 (B.) in 1993, nor was 16-11-312 (B.) in existence in 1993. Because second degree burglary was not enumerated until 1996, according to statute 17-25-45. Statute 17-25-45 also stated that all crimes committed on or after the Act's effective date of January 1, 1996, life sentence for person convicted for certain crimes. Petitioner contended that state used unjust procedural when it used his prior 1993 second degree burglary conviction when the prior 1993 second degree burglary did not meet the criterion of statute 17-25-45 enhancement provision. According to statute 17-25-60, it states: Change of sentence where former convictions were not considered at time of imposition. Chronological or procedural sequence of former convictions as affecting enhancement of penalty of habitual offender statutes. State could not use earlier conviction to support enhancement nor did state present sufficient evidence to support claim that prior conviction was a crime of violence in support of career offender enhancement. Therefore, from all inference drawn from above, petitioner received unjust procedural defects and denied the opportunity to comply with the state's procedures and obtain an adjudication on the merits of his claim. All the action in this matter undermined the petitioner's due process rights and a denial of fundamental fairness shocking to the universal sense of justice. The petitioner brings this appeal up under statute 17-27-90.

Respectfully Submitted,

Date: May 02, 2014

Leroy Shaw  
Leroy Shaw # 301480

DOCKET NO. **93-GS-14-339**

**The State of South Carolina,**

County of CLARENDON

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Doug Ridgeway

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*Walter L. Earnest*

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OF ORIGINAL IN THIS OFFICE

DATE 2/12/03

*Burlah B. White*

CLERK OF COURT  
CLARENDON COUNTY, SC

*Wade S. Kolb, Jr.*

SOLICITOR WADE S. KOLB, JR.

Leroy Shaw # 301480  
Petitioner,

us.

State of South Carolina  
Respondant,

The Supreme Court of South Carolina  
Appellate case no: 2014-000854

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Sworn before me on 02 day  
of May 2014.

J. Frank  
Notary Public for South Carolina

My Commission Exp: 12-16-2019

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Leroy Shaw # 301480  
McCormick Corr. Inst.  
386 Redemption Way  
McCormick, S.C. 29899

Leroy Shaw 301480

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Clerk of Supreme Court  
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