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JUL 07 2014

S.C. SUPREME COURT

James Anthony Primus 252315
MacDougal Correctional Institute
Magnolia Unit 2 B5A
1516 Old Gilliard Road
Ridgelyville S.C. 29472

July 3 2014

The Supreme Court of S.C.
Daniel E. Shearouse clerk of court
P.O. Box 11330
Columbia S.C. 29211

RE. James A. Primus v. State of S.C.
Appellate case No. 2014-001147
Lower court case No. 2013-CP-18-00382

Dear Honorable Clerk

Please find enclosed petitioner motion for
reconsideration in the above mention case.

Please accept this with my kindest regards

Sincerely

James Anthony Primus

THE SUPREME COURT OF SOUTH CAROLINA

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James Anthony Primus, Petitioner
JUL 07 2014

v.

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA RESPONDENT

Appellate Case No. 2014-001147

Lower Case No. 2013-CP-18-00382

MOTION FOR RECONSIDERATION

1 When considering the States motion for summary dismissal of an P.C.R. Application a Judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the petitioner Cf Stiles v. Ororata 4157 S.E.2d 601 (1995) S.C.R.C.P. Motion to dismiss must be solely based upon the allegation set fourth on the face of the complaint and the motion may not be sustained if facts alleged an in ferences reasonably deducible there fore would entitle Petitione to any relief on any theory of the case

Claims

- 1 The Petitioner Plea was not freely and voluntarily given
- 2 The Petitioner received ineffective assistance of Counsel
- 3 Material facts not previously discovered require reversal after discovered evidence
- 4 That the Sentencing court was without Jurisdiction to impose conviction and sentence upon the applicant.

Petitioner is entitled to be assisted by an attorney whether retained or appointed who plays the role necessary to ensure that the trial is fair. Id at 685. The Benchmark for judging any claim of ineffectiveness where Counsel conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.

Strickland v. Washington 476 U.S. 661, 55 L. Ed. 2d 236 (1986)

July 3 2014

c/c Megan E Harrigan

RESPECTFULLY Submitted

James Anthony Primus 252315
James Anthony Primus #1092
MacDougal Correctional Institution
Magnolia unit 2 USA
1516 Old Billiard Road
Ridgeway S.C. 29472

THE SUPREME COURT OF SOUTH CAROLINA

James A. Primus Petitioner

v.

STATE OF SOUTH CAROLINA

RESPONDENT

Appellate Case No. 2014-001147

Appellate Lower court Case No. 2013-CP-18-0038L

CERTIFICATE OF SERVICE

I Here by certify that a copy of the foregoing Motion of Reconsideration was this date served upon the following individuals by placing a copy of the same via mail to his/her last known address as follows

July 3 2014

The Supreme Court of S.C.

P.O. Box 11330

Columbia S.C. 29211

Megan E. Harrigan

S.C. Attorney General

P.O. Box 11549

Columbia S.C. 29211

By

James A. Primus 252313

James A. Primus Pro Se
MacDougal Correctional Inst.

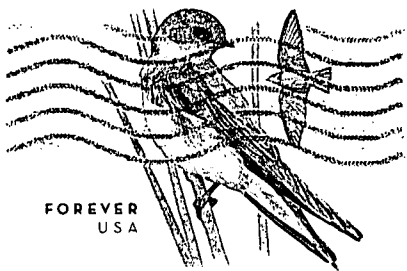
Magnolia Unit 2 OSA

1516 Old Gilliard Road

Ridgeville S.C. 29472

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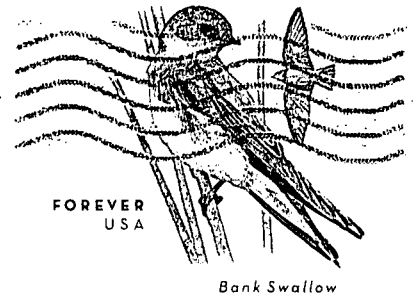
COURT OF SOUTH CAROLINA
ROUSE Clerk of Court

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S. C. 294
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James Anthony Primus 252315
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Magnolia unit 2 D5A
1516 Old Gilliard Road
Ridgeville S.c. 29472

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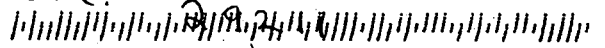


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MacDougall Corr. Inst.
Mailroom

THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE Clerk of Court
P.O. Box 11330
Columbia S.C.
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The Department of Corrections has not censored this item, therefore, the Department does not assume responsibility for its written contents - MacDougal Correctional Institution.



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