

In The STATE of South Carolina
In the Supreme Court

Appeal from S.C. Court of Appeal

Appellant Case No. 2014-000144

State of South Carolina _____ Respondent
Casey Lewis _____ Appellant

Writ of Certiorari

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JUL 22 2014

S.C. Supreme Court

Casey Lewis #259254
Birkli Wat A-#185
4460 Broad River Rd.
Columbia S.C. 29210
Pro Se

Questions Presented for Review

- Should Appellant be held to the same standards as an attorney of law?
- Should harmless error bar Appellant from receiving an appeal of the merits of Appellant's claim?

Legal Authority

- State v. David (1881) 14 S.C. 428
- State v. Workman (1881) 15 S.C. 540
- State v. Anderson (1910) 85 S.C. 229 - 67 S.E. 237
- State v. Nance (1886) 25 S.C. 168
- Henning v. Kate 415 S.E2d 794
- Gordon v. Leeke 574 F.2d 1147
- Erickson v. Pardes 551 U.S. 89-94 (2007)
- Estelle 429 U.S. at 106-87 S.Ct 285
- Fed Rule Civ. Pro Rule 8(a) (2) (F) 28 U.S.C.A
- State v. Coy 343 S.C. 543-541 S.E2d 541 (2001)

Statement of the Case

On February 4, 2013, Appellant filed a Motion to Modify and Correct Sentence Pursuant to S.C. R.C.P. Rule 29(b) Rule 60(b)1, Rule 60(b)3, Rule 60(b)4, and § Title 17-23-110 (Initial Post-trial Motion Attachment A). The Honorable Judge William Jeffrey Young heard and ruled on the Appellant's Motion on September 12, 2013 (See Attachment B). Appellant, Casey Lewis, then filed a motion asking the Honorable William Jeffrey Young to Clarify his ruling with legal case law supporting his denial of Appellant's Motion (See Attachment C). The Honorable William Jeffrey Young ruled on the Appellant's Motion to Clarify his denial on October 22, 2013 (See Attachment D). Appellant, Casey Lewis, finally received the Judge's response on January 17, 2014 (See Attachment E). Appellant filed a written order to Appeal the Honorable William Jeffrey Young decision within ten (10) days Pursuant to Rule 903-SCACR to the S.C. Court of Appeals (See Attachment F). Appellant's Appeal was dismissed due to a technicality on behalf of the Appellant (See Attachment G). Appellant Motioned the S.C. Court of Appeals to Reinstate Appeal Pursuant to rule 960 SCACR (See Attachment H). Motion to Reinstate Appeal was denied (See Attachment I).

Argument

Appellant, Casey Lewis, Motioned the Williamsburg County Circuit Court of General Sessions to exercise the Court's discretionary Power to hear and rule on Appellant's Post-trial Motion to Modify and Correct Sentence Pursuant to S.C. R.C.P Rule 29(b) Rule 60(b) 1 Rule 60(b) 3 Rule 60(b) 4, Rule 29(b) and ³Title 17-23-110 based on the After-discovered evidence Appellant received (See Attachment) - (A initial Post-trial Motion). The Honorable Judge William Jeffrey Young exercised his discretionary Power and denied Appellant's Motion. Appellant then Motioned the Honorable Judge to Clarify his ruling using the legal Precedent established by law (See Attachment E). Afterwards, Appellant submitted a Motion to the South Carolina Court of Appeals (See Attachment F). The Court of Appeal rejected Appellant's Appeal due to a harmless and technical error.

The Court of Appeal agreed with the Attorney General's claim that the Appellant filed a Post-trial Motion to a Post-trial Motion. The Court concluded that had the Appellant not submitted a motion to the Honorable William Jeffrey Young asking him to

Clarify his ruling using legal Precedent, but instead immediately Appealed to the South Carolina Court of Appeal Appellant's Appeal would not have been dismissed based on that technical and harmless error.

The Appellant, who is a Pro Se litigant with no legal training, nor any legal assistance of persons trained in law, nor an attorney, is asking the Honorable Supreme Court to hold him to less stringent standards than the formal standards of lawyers: *Cestelle*, 429 U.S. at 106-87 S.Ct 285; *Erickson v. Pardes* 551 U.S. 89, 94 (2007); Fed Rule Civ. Pro Rule 8(a)(2)(F) 28 U.S.C.A.). On the basis of Appellant's meritorious case, Appellant believes his Appeal should not have been dismissed. Appellant believes that because of this technical and harmless error, he should have been afforded the opportunity to present his case to the Court of Appeals (*Gordon v. Leeke* 574 F.2d 1147). Rather than dismiss Appellant's Appeal having colorable merits or advising him of the proper procedures, Appellant's merits should have been liberally construed based on the merits of his argument.

The Appellant indicates that a Court is not required to act as an advocate for a Pro Se litigant, but the duty to "construe liberally" and perhaps "to advise" is the Courts, and the duty


to "Present" and to "Advocate" is that of the litigant or his attorney. In this case the Appellant has no attorney nor has he received any legal assistance of persons trained in the law.

The Supreme Court is familiar with harmless errors as established by the standards in *Hennine v. Kave* 415 S.E2d 794. In *Hennine v. Kave* it was the Appellant's Counsel (who is trained in law) who failed to follow certain rules but those instances of non-compliance were inadvertent technical errors. The Attorney was still afforded the opportunity to rectify the harmless and technical errors.

Appellant concludes that what might be a meritorious case on the part of a pro se litigant conversed in the law should not be defeated on appeal without affording the Appellant a reasonable opportunity to articulate the merits of his case. The Appellant ask the Supreme Court to Grant writ of Certiorari to enforce a requirement on which An Appeal may be exercised to discuss the Merits of Appellant's Motion to Modify and Correct Sentence Pursuant to S.C. R.C.P. Rule 29(b) Rule 60(b)1 Rule 60(b)3, Rule 60(b)4, and § Title 17-23-110. The Court are familiar which such standards in *State v. Cox* 343 S.C. 543, 541 S.E2d 541 (2000) As well as the Legislative Intent for Grafting the "2010" Year Version of § Title 16-3-20.

Wherefore, having ask this Honorable Court to review
the Circumstances Surrounding this Case, Appellant
respectfully moves this Court to Grant writ of
Certiorari

Respectfully Submitted


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This Day 18th of this Month July 2014

Pro se

Certificate of Counsel in Certiorari

The State of South Carolina
In the Supreme Court

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Appellant Case No. 2014-000144

State of South Carolina _____ Respondent
Caset Lewis _____ Appellant

The undersigned Certified that this Motion for Certiorari Complies with Rule 242 (D:E) -SCACR. Appellant Serves One (1) Copy of Appellant's Motion for Certiorari to the Attorney General's office and the Court of Appeal.

This Day 18th of this Month July 2014.

Sworn to and Subscribed before me
this 21st Day of July 2014.
Judith H. Fry
Notary Public for South Carolina
My Commission Expires _____

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Certificate of Counsel

The undersigned hereby certifies that the record on Appeal contains all materials proposed to be included by and of the Parties and not any other material.

Casen Lewis #259254
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Columbia, S.C. 29210

This Day 18th of the month of July 2014

Pro Se