

In The State of South Carolina  
In The Supreme Court

RECEIVED

JUL 22 2014

Appeal From the S.C. Court ~~S.C. Supreme Court~~

State of South Carolina \_\_\_\_\_ Respondent

Casey Lewis \_\_\_\_\_ Appellant

Record on Appeal

Casey Lewis # 259254  
BIRLI Wat A-#185  
4465 Broad River Rd.  
Columbia S.C. 29210  
Pro-Se

Index

- Motion to Modify and Correct Sentence Including Affidavit
- Order of Dismissal and transcript Sept. 12, 2013
- Motion to Alter and Amend
- Order of Dismissal Denying Motion to Alter or Amend
- Notice of Appeal
- Dismissal of Appellant's Notice of Appeal
- Motion to Reinstate Appeal
- Dismissal of Appellant's Motion to Reinstate Appeal

# Attachment A

Motion To Modify

and

Correct Sentence

(Including Affidavit)

STATE OF SOUTH CAROLINA )  
COUNTY OF WILLIAMSBURG )  
State of South Carolina, )  
Plaintiff, )  
v. )  
Casey Lewis #259254, )  
Defendant, )

IN THE COURT OF GENERAL SESSIONS  
THIRD JUDICIAL CIRCUIT

CASE NO. 99-GS-45-18

MOTION TO MODIFY AND CORRECT  
SENTENCE PURSUANT TO S.C. RCP  
RULE 29(b), RULE 60(b)1, RULE  
60(b)3, RULE 60(b)4, and  
~~§TITLE 17-23-110~~

COMES NOW the Defendant, Casey Lewis #259254, pursuant to S.C. RCP Rule 29(b), Rule 60(b)1, Rule 60(b)3, Rule 60(b)4, and §title 17-23-110, respectfully motions this Honorable Court to modify and correct the judgement sentence of incarceration imposed upon Defendant Casey Lewis #259254 in the Criminal General Session, 99-GS-45-18, on the date of 6-23-99.

On Feb. 1, 1999, the Defendant, Casey Lewis #259254, was indicted for the charge of murder under South Carolina Court of law 16-3-10. This indicted in the Feb. 1, 1999 period. The statue for the indicted charge of murder, 16-3-10, for that time period of "1999" reads verbatim in its most pertinent part with regards to the sentencing range allowed to be imposed on a defendant convicted of this offense, the following:

§16-3-20. Punishment For Murder: Separate sentencing proceeding to determine whether sentence should be death or life imprisonment.

A) A person who is convicted of or pleads guilty to murder must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years.

On June 23, 1999, the Defendant, Casey Lewis #259254, was convicted of and sentenced to murder under statute 16-3-10 in the County of Williamsburg by Presiding Judge Honorable James E. Brogdon. Presiding Judge James E. Brogdon ruled not to sentence Defendant Lewis #259254 to death, although it is a punishment allowed under §16-3-20. Presiding Judge James E. Brogdon ruled not to sentence Defendant Casey Lewis #259254 to life imprisonment, although it is a punishment allowed under §16-3-20. Instead, the Presiding Judge James E. Brogdon determined and ruled to sentence Defendant Casey Lewis #259254 to a determinate number of years of incarceration to the South Carolina Department of Corrections. The determinate number of years of incarceration to the S.C. Dept. of Corrections that Presiding Judge James E. Brogdon imposed upon Defendant, Casey Lewis #259254, was fifty-five (55) years. [See Exhibit #1(a)].

The Defendant, Casey Lewis #259254, now motions the Honorable Court to modify and or correct this 55 years sentence of incarceration, because said 55 years of incarceration is void and constitutionally impermissible under the statutory construction of §title 16-3-20 underwhich Defendant Casey Lewis #259254 was indicted, convicted, and sentenced.

The statute §16-3-20 allows for only three punishments. Those punishments must be the following: Death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty [30] years. This statute §16-3-20 is clear and unambiguous with outlining the punishment parameters of the offense of murder. When a statute is clear and unambiguous, the doctrine of "statutory construction" controls. In South Carolina, the Courts must strictly construe criminal statutes against the states and in favor of the Defendant. Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991); State v. Prince 335 S.C. 466, 472, 517 S.E.2d 229, 232 (Ct. App. 1999). However, the cardinal rule of statutory construction is that

the Court must ascertain and effectuate the intent of the legislature, and in interpreting a statute, the Court must give their plain and ordinary meaning without resorting to a tortured construction which limits or expands the statute's operation. Mid-State Auto Auction of Lexington Inc. V. Altman 324 s.c. 65, 69, 476 S.E.2d 690, 692 (1996); Rowe V. Hyatt 321 S.C. 366, 369, 468 S.E.2d 649, 650 (1996). Moreover, we should give statutory provisions a reasonable construction consistent with the purpose of the statute. Jackson V. Charleston County Sch. Dist. 316 S.C. 177, 181, 447 S.E.2d 859, 861 (1994).

The Defendant, Casey Lewis #259254, does not have an issue with the Presiding Judge James E. Brogdon sentencing him to a determinate number of years of incarceration with regard to the substance of this motion to modify and correct sentence. The Defendant, Casey Lewis #259254, does take significant issue with the afixed number of fifty-five [55] years of determinate years of incarceration that Honorable Judge James E. Brogdon imposed upon him because this 55 year sentence is 25 years in excess of the mandatory minimum term of imprisonment for 30 years that is allowed by plain reading of §16-3-20. The Defendant, Casey Lewis #259254, respectfully motions this Honorable Court to modify and correct the void sentence of fifty-five [55] years incarceration and afix a new determinate term of incarceration for thirty [30] years incarceration for the case #99-GS-45-18.

As a matter of clarity, the Defendant, Casey Lewis #259254, asks this Honorable Court to take judicial notice that Defendant Casey Lewis is charged and indicted under the "1999" year version of §title 16-3-20, and this version varies significantly from the present day 2010 year version of §title 16-3-20. In its most pertinent parts, the 2010 year version §title 16-3-20 does allow a 55 year sentence by virtue of the plain language of the statute. For example:

"A person who is convicted of or pleads guilty to murder must be punished by death or by a mandatory minimum term of imprisonment for thirty years to life."

This clause of "Thirty to life" which is written in the 2010 version of the statute §title 16-3-20 makes a 55 year sentence constitutionally and statutorily permissible under the sentencing provision of the state. This clause of "Thirty to life" is absent in the 1998 year version of §title 16-3-20.

Therefore, the 55 year sentence is constitutionally and statutorily prohibited under the "1999" sentencing provision of the statute, in which Defendant, Casey Lewis #259254, was sentenced. The South Carolina Legislator's legislative intent in crafting the "1999" year version, in which Defendant, Casey Lewis #259254, was sentenced limits the determinate years of incarceration for violation of the statute §16-3-20 to one specific term of years, that being thirty [30] mandatory incarceration. The S.C. Legislator's legislative intent in crafting the "2010" year version of §title 16-3-20 was to expand and broaden the determinate number of years of incarceration for violation of this statute to any number of years between thirty [30] years to the natural life expiration of the violator. This is a very distinctive and significant variation between the "1999" year version, in which Defendant, Casey Lewis #259254, was sentenced, and the 2010 year version of §title 16-3-20. The Defendant respectfully asks this Honorable Court to take judicial notice pursuant to S.C. Rules of Crim. Proc. Rule 201.

WHEREFORE, the Defendant, Casey Lewis #259254, respectfully notions this Honorable Court to grant modification and correction of his 55 year sentence under the case 99-GS-45-18 and to vacate the constitutionally and statutorily prohibited 55 year sentence and resentence Defendant, Casey Lewis #259254, to a constitutionally and statutorily permissible sentence

of thirty [30] years incarceration in this criminal case  
#99-GS-45-18.

Respectfully submitted,



Casey Lewis #259254  
B.R.C.I. Monticello A #228  
4460 Broad River Rd.  
Columbia, S.C. 29210

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 4th DAY OF February 2012

Susan H. Frye  
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES \_\_\_\_\_ My Commission Expires  
March 5, 2018

AFFIDAVIT OF CASEY LEWIS

I, Casey Lewis, do solemnly swear, attest, depose, and say the truth to the following:

On June 23, 1999 I was sentenced and convicted by Judge James E. Brogdon on the charge of murder, and armed robbery and the judge sentenced me to an incarcerated term of Fifty Five (55) years. I objected to the judge myself when he handed down the sentence and I made the objection on the grounds that he sentenced me to a sentence that above and beyond what the law allowed. The judge told me that his sentence is what his sentence is, like it or not. I told my attorney to appeal the sentencing and conviction because my sentence is above and beyond what the law allows. The attorney, Legand Carraway, advised me that an issue on this issue would be meritless because the Murder Statue of 16-3-20 allows for a sentence of Thirty years (30) to Life, meaning the judge can legally sentence me to any determinate number of years between Thirty years (30) to the expiration of my natural life.

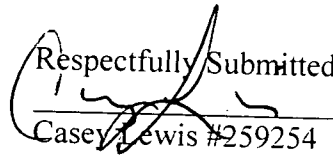
Exhibit # 1

This exchange of testimony between I and the judge and I and my attorney at the June 23, 1999 sentencing hearing is illegally omitted from my trial transcript and court records. I have challenged the content and accuracy of my transcript throughout my incarceration and I have been obstructed the state official from obtaining a correct transcript that reflects a true representation of all the testimony and all the occurrences that took place at my criminal proceeding from June 21, 1999 to June 23, 1999. Because the transcript is illegally tampered I have lacked direct proof of this issue of my sentence and conviction exceeding Statutory Law and therefore have been obstructed from fully and fairly and adequately developing and arguing this issue in state and federal filings.

I have become aware through a witness that attorney Legrand Carraway Did not have the legal knowledge to advise me that the 1998 version of Title 16-3-20 is written as thirty years (30) to life. Attorney Legrand Carraway was contacted by phone on February 2013 and in this phone conversation attorney Legrand Carraway was posed the question, is there a difference between the 1998 version of Title 16-3-20 and the 2010 year version of Title 16-3-20 because it seems the 2010 year version allows a sentence of thirty (30) years to life while the 1998 year version seems to only allow a thirty (30) year sentence, or life, or a death sentence. The attorney Caraway answered and gave his legal opinion that the 2010 year version of Title 16-3-20 does allow a sentence of thirty (30) years to life but it is questionable whether or not the 1998 year version of Title 16-3-20 allows a thirty (30) years to life sentence because it's plain language seems to only allow thirty (30)

years, or life, or the death penalty. The attorney went on to explain that no S.C. Supreme Court case has yet been ruled upon to clarify this issue. The attorney Carraway gave an overall legal opinion that the 1998 year version of Title 16-3-20 may or may not allow a sentence of years between thirty (30) years to life.

It is after I became aware of this legal opinion of attorney Legrand Carraway that I realized attorney Carraway gave me direct misadvise and misrepresentation regarding my ability to bring a meritorious challenge to my Fifty Five (55)-years-sentence-based upon the judges sentence exceeding the Title 16-3-20 sentencing provision, the same issue I personally objected to the judge at the June 23, 1999 sentencing hearing which is illegally being omitted from my trial transcript and court records. I immediately filed the motion to modify and correct my sentence within a short span of time after I discovered the misadvise and misrepresentation on the part of attorney Carraway, my attorney at the time.

Respectfully Submitted  
  
Casey Lewis #259254  
B.R.C.I. Wateree b-228  
4460 Broad River Rd.  
Columbia, South Carolina  
29210

State of South Carolina ]  
County of Richland ]

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2013

\_\_\_\_\_  
Notary Public For South Carolina  
My Commission Expires \_\_\_\_\_

Attachment B

Order of Dismissal

and

Transcript Sept 12, 2013

STATE OF SOUTH CAROLINA  
COUNTY OF WILLIAMSBURG

) IN THE COURT OF GENERAL SESSIONS  
) THIRD JUDICIAL CIRCUIT  
) CASE NO.: 1999-GS-45-0018

State of South Carolina,

v.

Casey Lewis,

Defendant.

**ORDER**

19 SEP 12 PM 12:58  
STEPHEN J. TAGGERS  
CLERK OF COURT  
WILLIAMSBURG, S.C.

19 SEP 12

This matter comes before the Court by way of a "Motion to Modify and Correct Sentence Pursuant to S.C. RCP Rule 29(b), Rule 60(b)1, Rule 60(b)3, Rule 60(b)4 and §Title 17-23-110" (sic), filed February 11, 2013, with the Williamsburg County Clerk of Court. Mr. Lewis pled guilty before the Honorable James E. Brogdon on June 23, 1999 and was sentenced on that date to fifty-five (55) years for Murder, thirty (30) years for Armed Robbery, and five (5) years for Use of a Weapon During the Commission of a Violent Crime. The sentences on all charges were to be served concurrently. The State was served at the Office of the Attorney General on or about July 23, 2013. The Third Circuit Solicitor's Office filed a response to the motion on August 17, 2013 after receiving a copy of the motion from the Office of the Attorney General. A hearing was convened before this Court on 12 September 2013 at the Williamsburg County Courthouse in Kingstree, SC. Present at the hearing was Mr. Tyler Brown, Assistant Solicitor, on behalf of the State, Mr. Casey Lewis, *Pro Se*. Legrande Carraway, Esq. of the Williamsburg County bar was present as standby counsel for Mr. Lewis. This Court has reviewed the filings of each party and the arguments made at the hearing in making its decision.

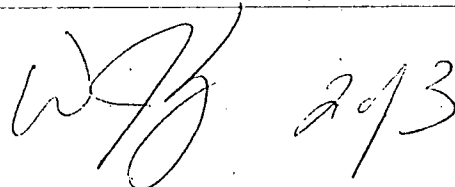
The substance of the argument by Mr. Lewis is that the sentence he received for the charge of Murder was illegal as it relates to the statutory scheme under which he was sentenced.

1 93 WJH

Mr. Lewis alleges that pursuant to the 1999 version of the statute under which he was sentenced, the only permissible sentences were death, imprisonment for life, or a term of imprisonment of thirty (30) years. See S.C. Code Ann. § 16-3-20 (1999) (“A person who is convicted of or pleads guilty to murder must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years.”). Accordingly, it is his position that a sentence of fifty five (55) years is illegal. Though captioned as a motion pursuant to Rules 29(b) and 60(b)1-4 SCRCPP, this Court finds this motion is the type properly brought under S.C. Code Ann. § 17-27-20(1)&(3).

The State argued at the hearing that this motion was untimely, that any claim that there was “newly discovered” evidence was without merit as the “evidence” in this matter was simply a new interpretation of a statute by Mr. Lewis, and that the motion itself was without merit as a plain reading of the statute clearly indicates that a sentence of more than thirty (30) years is permissible but that no sentence of less than thirty (30) years may be imposed upon conviction or guilty plea under the statute.

This Court finds that the motion is untimely and must be dismissed. Post-Trial motions following a trial in the Court of General Sessions generally must be filed within ten days of the imposition of the sentence. See Rule 29(a) SCCrimP. In the case of newly discovered evidence, a ~~Post-Trial motion must be made within one (1) year of the discovery of the alleged newly~~ discovered evidence, or within one year of the date upon which that evidence “could have been ascertained by the exercise of reasonable diligence.” Rule 29(b) SCCrimP. Similarly, under the Uniform Post Conviction Procedures Act, in order to be timely a Petition for relief must be filed within one year of the imposition of a sentence or the remittitur from an appellate court, or, in the case of alleged newly discovered evidence, the Petition must be filed within one year of the date

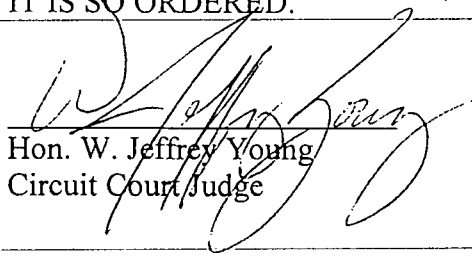
Handwritten signature and date 2/13

on which the evidence could have been discovered by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(1976, as amended). In this matter, there is no evidence which qualifies as “newly discovered” under the Rules of Criminal Procedure or the Uniform Post Conviction Procedures Act. The alleged newly discovered evidence is a statute that was in existence and available prior to as well as on the date of conviction and imposition of the sentence. This Court finds that this does not amount to newly discovered evidence under any definition of the term. The sentence in this matter was imposed on June 23, 1999. This action was filed on February 11, 2013. Accordingly, this Court finds that this action is untimely and therefore must be dismissed with prejudice.

Next, this Court finds that the allegations made in this action are without merit and must be dismissed with prejudice. A plain reading of the statute under which Mr. Lewis was sentenced clearly indicates that an individual may be sentenced to a term of imprisonment for no less than thirty (30) years and up to life. The sentence of fifty five (55) years handed down to Mr. Lewis in this case is within the range contemplated by the statute and is therefore legal and permissible. Accordingly, this Court finds that this ground is without merit and must be dismissed with prejudice.

THEREFORE, this Court hereby dismisses this action with prejudice as untimely and without merit.

IT IS SO ORDERED.

  
Hon. W. Jeffrey Young  
Circuit Court Judge

September 12, 2013  
Kingstree, South Carolina

34<sup>3</sup>

1 State of South Carolina

2 County of Williamsburg

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4 The State of South Carolina,  
Plaintiffs

Review of Sentence  
1999GS4500018

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6 vs.

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8 Casey Lewis,  
Defendant

September 12, 2013  
Kingstree, S.C.

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Before the Honorable W. Jeffrey Young, Judge.

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16 A P P E A R A N C E S:

17 Mr. Tyler Brown,  
Assistant Solicitor for the State

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Margaret T. Sullivan,  
Court Reporter

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1 MR. BROWN: This is the State versus  
2 Casey Lewis. Indictment 99-GS-45-0018.

3 Mr. Lewis wants you to review his sentence  
4 under the belief or the conclusion that his  
5 sentence was unconstitutional. The statute as  
6 listed when he was convicted, stated that it  
7 carried death, life or a mandatory minimum of 30  
8 years. And he believes that his, I believe, his  
9 55-year-sentence does not fall within the  
10 parameters of that.

11 Your Honor, just for the court's records,  
12 I have asked Mr. Carraway to be here, because he  
13 represented him at trial. Mr. Carraway is  
14 present, but Mr. Lewis says he is representing  
15 himself pro se.

16 THE COURT: Okay.

17 MR. BROWN: And we are here today on my  
18 motion to quash. Your Honor, if it pleases the  
19 court, I will just address this on two separate  
20 points. There are two merits of quashing this  
21 motion. The first is, that the -- any appeals to  
22 sentences under the South Carolina Rules of  
23 Criminal Procedure and Appellate Court Rules,  
24 dictate that this must be filed within 10 days.  
25 We are now approaching about 12 years out.

1 THE COURT: Don't interrupt.

2 MR. BROWN: We are now approaching  
3 approximately 12 years after the fact that this  
4 motion is being filed. There is no known rule  
5 that gives merit to that. He cited the Rules of  
6 Criminal Procedure that provide for after  
7 discovered evidence. But I do not believe that a  
8 different reading of a statute that was clearly  
9 available, would be after discovered evidence.  
10 That being said also, I would provide to the court  
11 that I do believe the sentence would have been  
12 constitutional in the first place. When it says a  
13 mandatory minimum that implies that there are  
14 ranges above that, which it would go up to life.

15 At this time, Your Honor, I would ask  
16 that his motion filed under Indictment  
17 1999-GS-45-0018, be quashed with prejudice.

18 THE COURT: Thank you. Mr. Lewis.

19 THE DEFENDANT: Yes, I would like to first  
20 and foremost, object to his Rule 201, because  
21 that's dealing with the conviction. I am not here  
22 to challenge the conviction or ask that the  
23 conviction be overturned. I am just asking that  
24 at the time that the 1999 version statute was  
25 written, it was clear the legislative intent was

1 to be able to limit the determinant number of  
2 years that a person was to be incarcerated. Prior  
3 to June -- January 1st 1996, individuals was  
4 offered death, life in prison or if they was  
5 incarcerated for 20 years or more, they would be  
6 given the opportunity for parole. Or if they were  
7 incarcerated for 30 years, they was given the  
8 opportunity for parole. They revised that statute  
9 in 1996, to limit the terminate number of years  
10 that a person will be incarcerated. One being  
11 death, the other life in prison or a mandatory  
12 minimum of 30 years.

13 Now recently in January 10th 2010, they  
14 changed that statute to imply a man could be  
15 convicted of sentence of life in prison or a  
16 minimum mandatory 30 to life. That phrase 30  
17 years to life, implies that an individual found  
18 guilty of murder today, could be sentenced to 31  
19 years, 32 years or 33 years.

20 THE COURT: Or 55 years.

21 THE DEFENDANT: Or 55 years. But that  
22 phrase is absent in 1998 year version of that.  
23 I'm just here up under 17-23-110 to ask you to  
24 be -- to exercise your discretion to be able to  
25 resolve this contradiction or this conflict.

1 Because I feel that the statute was clear. The  
2 statute was unambiguous. And the court has  
3 previously ruled on cases like this. What the law  
4 of statutory construction applies.

5 THE COURT: What I am going to do is I am  
6 going to read your brief and look at some law.  
7 And I will give you, and I will look at it over  
8 lunch, and I will give you a ruling early  
9 afternoon.

10 MR. BROWN: Do we need to bring him back  
11 early afternoon?

12 THE COURT: No, I will just issue an  
13 order.

14 MR. BROWN: Thank you, Your Honor.

15 THE COURT: Thank you.

16 -----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the General Sessions Court, September 12th, 2013, in Williamsburg County, Kingstree, South Carolina.

I do further that I am neither kin, counsel nor interest to any party hereto.

3/7/14  
DATE

Margaret T. Sullivan

COURT REPORTER  
My Commission expires: 9/7/2021

# Attachment C

Motion to Alter

and

Amend

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG	)	
	)	
State of South Carolina	)	CASE NO : <u>99-GS-45-18</u>
Plaintiff	)	
	)	
v.	)	MOTION TO ALTER OR AMEND
	)	
	)	PURSUANT TO RULE 59 (e)
Casey Lewis	)	
	)	
Defendant	)	

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COMES NOW the Defendant, CASEY LEWIS # 259254, pursuant to S.C. RULES of COURT RULE 59(e), respectfully move this court to find the specific finding of fact and conclusion of law to the following specific issues regarding the Rule 29(b) filed in this case:

1). ALTER and AMEND this Court's findings that " Though captioned as a motion pursuant to Rule 29(b) and 60(b) 1-4 SCRPC, this court finds this motion is the type properly brought under S.C. CODE. Ann. TITLE 17-27-20(1) & (3). ( see Attached Order pg 2 paragraph 1). This ruling does not specifically address the motion under the S.C. Rules of Court Rule 60(b) 1-4 nor does it address the motion under Title 17-23-110. The defendant respectfully motion this court to analysize and determine defendant's case under Rule 60(b)1-4 and Title 17-23-110.

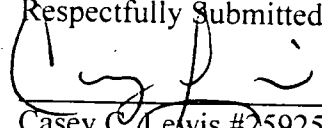
2). ALTER and AMEND this cour's finding that " In this matter, there is no evidence which qualifies as " NEWLY DISCOVERED " under the Rules of Criminal procedure or the Uniform Post Conviction Procedure Act ". ( see Attached Order pg 3 paragraph 1). This ruling does not specicially address the " Answer to the

defendant's motion to Quash Defendant's Motion to Modify and and Correct Sentence", which was filed prior to the evidentiary hearing held on September 12, 2013 in this case . ( see attached Exhibit #1). The defendant respectfully motions this court to analyzise and determine and weigh as evidence the " ANSWER to the DEFENDANT'S MOTION to QUASH DEFENDANT'S MOTION to MODIFY and CORRECT SENTENCE", and after doing such render a proper decision taken into account all evidence submitted by the defendant.

3). AMEND this court's findings that " The sentence of fifty-five (55) years handed down to Mr. Lewis in this case is within the range contemplated by the Statue and is therefore legal and permissible. ( see Attached Order pg 3 paragraph 2). This ruling does not cite any case law or precedent that supports this specific finding of the court. Whether or not the defndant's fifty-five (55) year sentence is legal and permissable is at issue in this case and the language and content of this Court's Order does not cite Authoritative Case Law to support it's ruling on this point. This Court's Order on this point is only a conclusory statement and makes no citation of Authority and is therefore lacking. The defendant respectfully motions this court to do a full analysis and to make a full determination that is supported by Authoritative citations established by SOUTH CAROLINA JURISPRUDENCE. ( see STATE v. PORTER 698 S.E.2d 237 ( SC APP 2010) ). Wherefore the defendant respectfully motion this court to ALTER and AMEND it's previous order such that it reflects each and every issue filed in this case including all pre-hearing , the testimony and evidence presented at the evidentiary

hearing , and the RULE 59(e) motion.

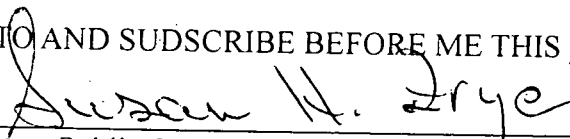
Respectfully Submitted



Casey C. Lewis #259254  
B.R.C.I. Wateree B-228  
4460 Broad River Rd.  
Columbia , S.C. 29210

State of South Carolina ]  
County of Richland ]

SWORN TO AND SUDSCRIBE BEFORE ME THIS 19th DAY OF Sept 2013



Notary Public For South Carolina

My Commission Expires \_\_\_\_\_  
by Commission Expires  
March 5, 2018

# Attachment D

Order of Dismissal  
to Motion to Alter  
And Amend

STATE OF SOUTH CAROLINA  
COUNTY OF WILLIAMSBURG

) IN THE COURT OF GENERAL SESSIONS  
) THIRD JUDICIAL CIRCUIT  
) CASE NO.: 1999-GS-45-0018

State of South Carolina,

v.

Casey Lewis,

Defendant.

**ORDER**

2013 OCT 24 AM 10:22  
CLERK OF COURT  
SUMMER, S.C.

This matter comes before the Court by way of a "Motion to Alter or Amend Judgment Pursuant to Rule 59(e) [SCRCP]," filed on or about September 23, 2013. Mr. Lewis appeared before this Court on 12 September 2013 at the Williamsburg County Courthouse in Kingstree, SC. Present at the hearing was Mr. Tyler Brown, Assistant Solicitor, on behalf of the State, Mr. Casey Lewis, *Pro Se*. Legrande Carraway, Esq. of the Williamsburg County bar was present as standby counsel for Mr. Lewis. This Court has reviewed the filings of each party and the arguments made at the hearing in making its decision.

Movant presents no new legal or factual arguments sufficient to compel this Court to amend its Judgment of 12 September 2013.

THEREFORE, this Court hereby DENIES the Motion to Alter or Amend Judgment.

**RECEIVED**

JAN 17 2014

BRCI  
MAILROOM

IT IS SO ORDERED.

*W. Jeffrey Young*  
Hon. W. Jeffrey Young  
Circuit Court Judge

*Oct 22*  
September 22, 2013  
Sumter, South Carolina

A CERTIFIED TRUE COPY

*Jearon W. Stagers*  
JEARON W. STAGERS  
CLERK OF COURT

# Attachment F

Notice of Appeal

IN THE COURT OF APPEALS

CASE NO : 1999-GS-45-0018

NOTICE OF APPEAL TO APPELLANT'S MOTION TO MODIFY AND CORRECT SENTENCE PURSUANT TO S.C. RCP RULE 29(b), RULE 60(b)1, RULE 60(b)3, RULE 60(b)4, AND TITLE 17-23-110, WHICH WAS DENIED PURSUANT TO THE HONORABLE JEFFERY YOUNG'S ORDER DATED SEPTEMBER 12, 2013 AND MOTION TO ALTER OR AMEND JUDGMENT DATED OCTOBER 22, 2013 WHICH APPLICANT DID NOT RECEIVED UNTIL JANUARY 17, 2014.

CERTIFICATE OF SERVICE

COMES NOW, THE APPELLANT, CASEY LEWIS submitting this Certificate of Service to the South Carolina Court of Appeals and to Alan Wilson to the South Carolina Attorney Generals Office and to Sharon W. Stagers of Williamsburg County Clerk of Court (to have the records forwarded to the South Carolina Court of Appeals.) The Appellant would also ask these respected officials to return a filed copy of the abovementioned notice of appeal to him.

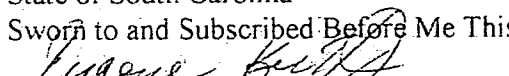
Respectfully Submitted,

  
Casey Lewis #259254

Broad River Correction Institution Wat. 228B  
4460 Broad River Road  
Columbia, SC 29210

State of South Carolina

Sworn to and Subscribed Before Me This 21 Day of Jan 2014

  
Notary Public for South Carolina

My Commission Expires \_\_\_\_\_

My Commission Expires \_\_\_\_\_

CC FILE: Attorney General Alan Wilson  
Sharon W. Stagers Williamsburg County Clerk of Court

# Attachment G

Dismissal of Appeal

# The South Carolina Court of Appeals

The State, Respondent,

v.

Casey Lewis, Appellant.

Appellate Case No. 2014-000144

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## ORDER

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Respondent has filed a motion to dismiss this appeal, contending Appellant failed to timely serve the notice of appeal from the denial of the untimely post-trial motion in the Court of General Sessions. After careful consideration of the parties filings, the motion to dismiss is granted. Although a timely and proper Rule 59(e), SCRPC motion would toll the time for the filing of a notice of appeal, Appellant's Rule 59(e), SCRPC motion was not proper in the Court of General Sessions. Thus, the motion did not toll the time for the filing of the notice of appeal. Appellant received written notice of the entry of the denial of his post trial motion on September 12, 2013, and he did not serve the notice of appeal until January 24, 2014. Accordingly, Appellant did not timely serve the notice of appeal and this appeal is dismissed. *See* Rule 203(b)(1) (providing Appellant has only ten days from written receipt of the order on a post-trial motion to serve the notice of appeal); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act *except the time for serving the notice of appeal under Rules 203 and 243* may be extended or shortened by the appellate court . . . ." (emphasis added)).

  
FOR THE COURT

Columbia, South Carolina

**FILED**  
5/14/14

# Attachment H

Motion to Reinstate Appeal

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

MAY 20 2014

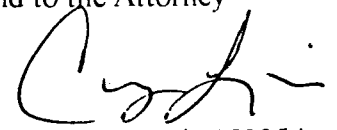
Case No: 2014-000144

Casey Lewis Appellant

State of South Carolina Respondent

CERTIFICATE OF SERVICE

APPELLANT, CASEY LEWIS, hereby certifies that a true copy of Motion to Reinstate Appeal Pursuant to Rule 260 SCRCP has been served upon the S.C. Court of Appeals and to the Attorney General's Office.

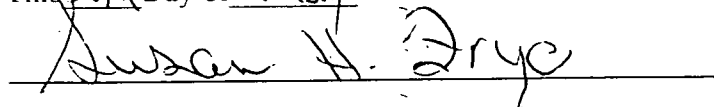
  
Casey Lewis 259254

B.R.C.I Wat 185A  
4460 Broad River Rd  
Columbia, S.C. 29210

State of South Carolina

Sworn To And Subscribed Before Me

This 20th Day of May 2014



Notary Public for South Carolina

Commission Expires  
May 5 2018

My Commission Expires \_\_\_\_\_

Casey Lewis )

Appellant )

)

)

V )

)

The State of South Carolina )

Respondent )

)

In The Court of Appeals

Case No: 2014-000144

Motion to Reinstate Appeal

Pursuant to Rule 260 SCACR

APPELLANT, CASEY LEWIS, NOW COMES before this Honorable Court Pursuant to Rule 260 SCACR "Reinstatement of Appeal." 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. (See Attachment A.) The Honorable Judge William Jeffrey Young heard and ruled on the Appellant's motion on September 12, 2013. (See Attachment B.) Appellant was then under the opinion that an Appeal must be filed ten (10) days following the denial of Appellant's POST-TRIAL MOTION. Appellant filed a motion six (6) days following the Honorable William Jeffrey Young's decision. (See Attachment C.)

The Honorable William Jeffrey Young ruled on Appellant's Motion to the September 13, 2013 hearing on October 22, 2013. Appellant finally received the October 22, 2013 order on January 17, 2014. (See Attachment D.) Appellant, again, was under the opinion that an appeal to the order dated January 17, 2014 had to be within ten (10) days after written order PURSUANT to RULE 203-SCACR to the S.C. Court of Appeals. (See Attachment E.) Upon receiving the transcript of the September 13, 2013 Motion Hearing, the Appellant submitted his Initial Brief to the Honorable Court in which the

Attorney General had thirty (30) days to respond. On the thirtieth (30<sup>th</sup>) day, the Attorney General submitted a Motion to dismiss Notice of Appeal. The Honorable Jasper Cureton (AJ) submitted an order granting respondent's Motion to Dismiss Notice of Appeal on May 14, 2014. (See Attachment F.)

APPELLANT ask this Honorable Court to reinstate his APPEAL PURSUANT TO RULE 260 SCACR (A). The respondent argues and Honorable Jasper Cureton dismissed Appellant's Appeal because of the inadvertent technical errors and minor discrepancies. (Henning v. Kaye 1992 S.C. 415 S.E2d 794.) The respondent fails to take into consideration the DUE DILIGENCE of the APPELLANT to Consistently Pursue his Appeal remedies. The Honorable Court in Henning v. Kaye (1992 S.C.) 415 S.E2d 794 concluded "that the dismissal of an Appeal is not mandatory where the APPELLANT failed to comply with certain aspects of the rules." The respondents also fail to take into consideration the particular point that the APPELLANT is a layman of the law and the respondents are misunderstanding the fact that the APPELLANT, who is PRO SE, is being held to the same standards as a recognized attorney of law.

#### RELIEF

APPELLANT now asks This Honorable Court to reinstate his right to Appeal the lower courts order of dismissal.

This 20 Day of this Month May 2014



Casey Lewis 259254

B.R.C.I. Wat. 185A

4460 Broad River Rd.

Columbia, S.C. 29210

# Attachment I

Dismissal of Motion to  
Reinstate Appeal

# The South Carolina Court of Appeals

The State, Respondent,

v.

Casey Lewis, Appellant.


Appellate Case No. 2014-000144

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## ORDER

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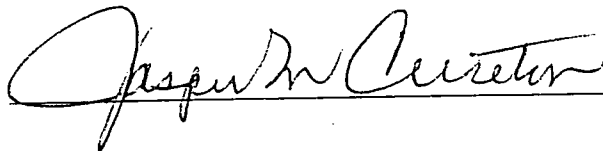
This appeal was dismissed on May 14, 2014, and Appellant has filed what this Court construes as a petition for rehearing. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



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 J.  


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 J.  


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 A.J.

Columbia, South Carolina

cc:

Casey Lewis, 259254

Alan McCrory Wilson, Esquire

Melody Jane Brown, Esquire

**FILED**

June 30, 2014