

July 9, 2014

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

JUL 16 2014

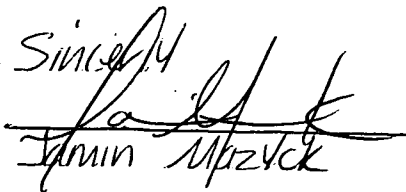
S.C. SUPREME COURT

RE. Jamin Mazzyk v. State
Appellate Case No: 2014-000731

Dear Honorable Clerk Shearouse:

Please find enclosed an original only copy of appellant reply to court's letter dated July 3, 2014 regarding the above reference matter, with certificate of service. I ask that you provide the opposing counsel with a copy because of my inability to provide opposing counsel due to implementation of South Carolina Dept. of Corrections Policy that prohibits any written documents to be copy. This procedure is no fault of my own and I ask that you please check and return one copy to me.

Sincerely,


Jamin Mazzyk

cc: Personal file
Meghan Harrigan

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY
COURT OF COMMON PLEAS
HONORABLE EDGAR DICKERSON, PRESIDING

CASE NO: 2012-CP-38-0250

APPELLATE NO: 2014-000731

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
RESPONDENT

"VS"

JAMIN MAZYCK
APPELLANT

REPLY TO COURTS LETTER DATED JULY 3, 2014

COMES now Mr. Jamin Mazyck, and I would show unto this court respectfully the following:

On July 3, 2014 this court forthwith a letter stating that no action will be taken on Jamin Mazyck, Pro-se Petition for Rehearing for several reasons.

One of the several reasons was Mr. Mazyck's Pro-Se Petition for Rehearing was not filed in a timely fashion.

However to the contrary the rule 221, (SCACR) motion in question was timely filed ipso Jure.

For the sake of clarity, according to the strict law (IN RIGORE JURIS) the 15 days to file this motion does not begin to run until [w]ritten notice is received.

On that ipso facto, this court must recognize that Mr. Mazyck received written notice of the Appeal dismissal on June 24, 2014 (SEE EXHIBIT ATTACHED HEREWITH) and the motion was given to Lieber. C.I. mail-room

clerk on June 27, 2014, and received by the clerk of court on July 3, 2014, therefore only 7 or 8 days had passed from the date Mr. Mazzyk had received written notice of the order of dismissal. This court must take notice that PCR counsel continues to abandon her duties as an advocate when she left Mr. Mazzyk to litigate all of his claims being heard in the lower court alone as amplified in counsel's letters dated April 4, 2014 and April 15, 2014, subjecting Mr. Mazzyk to proceed pro-se. Counsel letters and language clearly shows without question that she left appellant to defend for himself, which means if a pro-se petition for rehearing motion is permissible by rule for the facts in this particular case sub Judice, the appellant had the right to file the motion for the shortcomings and abandonment of counsel related to this case.

Secondly, your letter had illuminated several precedents to back its position in this litigation, to wit: Miller v. State, 388 S.C. 347, 697 SE2d 527 (2010); Jones v. State, 348 S.C. 13, 558 SE2d 517 (2002); State v. Stuckey, 333 SC 56, 508 SE2d 504 (1998); Foster v. State, 298 SC 306, 379 SE2d 907 (1989).

However all of these aforesaid precedents are off point on the relevant facts in this matter, making all the authorities submitted off point.

Lastly, appellant clearly put this court on notice within his enclosed letter and certificate of service regarding his inability to furnish the opposing counsel with a copy of his pleadings due to the implementation of a policy by South Carolina Dept. of Corrections (GA.-DI.03 § 13.2). I can no longer provide them with a proof of service. Furthermore, the opposing counsel and your office are in possession of the facts of South Carolina Dept. of Corrections procedure of any handwritten documents and/or motions to be copy and appellant ask this court to continue to furnish the opposing counsel with a copy. Rule 240 (SCACR) is off point on the relevant facts in this matter.

Finally, the Judgment or Order of this court should be relieved so that appellant would not be prejudiced if this Judgment or Order is not corrected, therefore in the interest of Justice this court should recognize that the defense forthwith is off point and entertain appellant Pro se Petition for Rehearing motion on the merits. The lower court order of dismissal forthwith by this court does not address all the issues presented because of counsel abandonment and her actions of abandonment as an advocate when she left appellant to litigate for himself within the appeal process.

Date: 7/9/14

s/ Jamil Fayek
Jammin Mazyck

CERTIFICATE OF SERVICE

I, Jammin Mazyck do hereby certify that on the date hereunder I did give the Lieber C.I. mailroom clerk an exact copy of the foregoing "REPLY TO COURT LETTER DATED JULY 3, 2014" with sufficient first class postage pre-paid and ask this court to send the opposing counsel a copy due to the inability of appellant because of S.C.D.C. Policy.

1. OFFICE OF ATTORNEY GENERAL
P.O. Box 11549
Columbia, SC 29211-1549

Date: 7/9/14

s/ Jamil Fayek
Jammin Mazyck #238052
L.C.I. 1 WC 160
P.O. Box 205
Ridgeville, SC 29472

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

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COLUMBIA, SOUTH CAROLINA 29211

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JAMIN MAZYCK, #238056
LIEBER CORRECTIONAL INSTITUTION
P. O. BOX 205
RIDGEVILLE SC 29472

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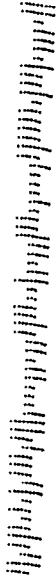


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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

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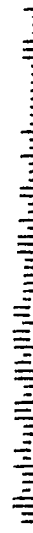


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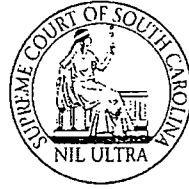


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JAMIN MAZYCK, #238056
LIEBER CORRECTIONAL INSTITUTION
P. O. BOX 205
RIDGEVILLE SC 29472

JUN 23 2014

WARDEN'S OFFICE
LIEBER C.I.



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

June 20, 2014

The Honorable Winnifa Brown-Clark
PO Box 9000
Orangeburg SC 29115-9000

REMITTITUR

Re: Jamin Mazyck v. State
Lower Court Case No. 2012CP3800250
Appellate Case No. 2014-000731

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc: Belinda Montio Davis-Branch, Esquire
Megan E. Harrigan, Esquire
Jamin Mazyck, #238056

The Supreme Court of South Carolina

Jamin Mazyck, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-000731

ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina

June 4, 2014

cc: Belinda Montio Davis-Branch, Esquire
Megan E. Harrigan, Esquire
Jamin Mazyck, #238056



BELINDA DAVIS-BRANCH
ATTORNEY-AT-LAW

(App. 55)
205 ELLIOTT STREET

ORANGEBURG, SOUTH CAROLINA 29115

TELEPHONE 803.533.1006 | FACSIMILE 803.533.0026

April 15, 2014

Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

REVISED LETTER

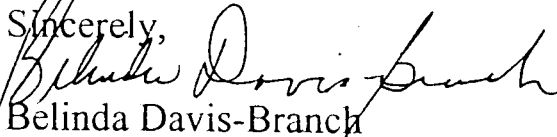
**RE: Jamin Mazyck vs. State of South Carolina Appellate
Case No: 2014-000731, Lower Case NO: 2012-CP-38-
00250**

Dear Mr. Shearouse:

I am in receipt of your April 10, 2014 correspondence regarding the above referenced matter. Please be advised that as an officer of the court, I am unable to set forth any arguable basis for asserting the determination by the PCR judge, that the PCR application was successive and barred by the Statue of Limitations was improper. Enclosed please find a copy of the conditional Order of Dismissal. By copy of this letter to Mr. Jamin Mazyck, Petitioner, I am advising him that he should notify the court no later than (20) days from the date of this letter, of any arguable basis he may wish to assert that the determination by the court that his PCR application was successive and barred by the limitations was improper.

With kindest regards.

Sincerely,



Belinda Davis-Branch

BDB/dls

Cc: Megan Harrigan, Esquire
Jamin Mazyck



BELINDA DAVIS-BRANCH
ATTORNEY-AT-LAW

205 ELLIOTT STREET
ORANGEBURG, SOUTH CAROLINA 29115
TELEPHONE 803.533.1006 | FACSIMILE 803.533.0026

April 4, 2014

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Jamin Mazyck, 238056
Case No.: 2012-CP-38-0250

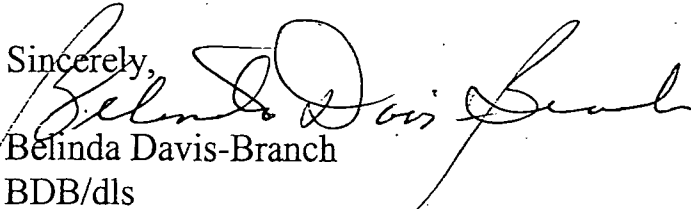
Dear Honorable Clerk Shearouse:

Please find enclosed an original and one copy of the Notice of Appeal regarding the above referenced matter. Please check and return one copy to me in the envelope provided. Also enclosed is a copy of Judge Edgar Dickerson's decision denying appellant's application for Post Conviction Relief and Certificate of Service to the Office of Attorney General. By copy of this letter to Ms. Megan Harrigan, Assistant Attorney General I am serving her with the Notice of Appeal.

Pursuant to rule 227 (c), SCACR please be advised that I am unable to set forth any arguable bases for asserting that the determination by the PCR Judge was improper, therefore, I am filing the Notice of Appeal should the Appellant want to proceed pro se.

With kindest regards.

Sincerely,


Belinda Davis-Branch
BDB/dls

** Why haven't a rule 59e been filed?*

cc: Megan Harrigan
Jamin Mazyck

*Certified Mediator Family & Civil
South Carolina & Pennsylvania Licensed*

Jamin Mazick # 238056
L.I. I. / WC-160
P.O. Box 205
Ridgerville, SC 29472

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JEBBER CI

*The Honorable Daniel E. Shearouse
Clark of Court
Supreme Court of S.C.
P.O. Box 11330
Columbia, SC 29211*

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FOR LEGAL USE ONLY

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.
JEBBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS