

December 7th 2014

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Re: Rodney A. Simmons, et al 12 2014

-vs-

S.C. SUPREME COURT

State of South Carolina,

Dear Mrs. Caudy, I hope that this letter finds you doing well, Happy Holidays. Applicant, is in receipt of a copy of the Transcript. Applicant, is humbly requesting under the newly found facts that he receive protection of his constitutional rights Due process, 5th, 6th, and 14th amendment of the United State constitution. The lower courts and states failure to address the merits of Application has constituted "A gross miscarriage in justice" see Washington V state, 478, S.E. 2d 883, (S.C. 1996) Applicant, in the above matter is entitled to per relief in South Carolina Supreme court, see U.S. V heon, 1984 Supra, White-knee V- state, Successive Applications may be permitted where the court refused to properly hear the merits of the claim, which constitute "a gross miscarriage of justice". In Alice V- state, 409, S.E. 2d, 394, where government interference of the reasonable unavailability of the factual bases of the claim impeded counsel ability to raise the claim or where some other circumstance beyond Applicant's control, see, Mr. Cleskey V Zant, 499, U.S. 269, 468, (1991). Applicant, is humbly requesting that Attorney Argue the Above facts and seek for a reconstructive

of per hearing. Mrs. Cady, See. To page 48 Time's 11-
 15, Where the Honorable Robin B. Stilwell, states that Applicant
 filed A motion At the onset of Trial Under Rule 41.1(c).
 Applicant, In this matter IS contending that his claim for
 ineffectiveness Assistance of Counsel cannot be proven
 without Expert rebuttal witnesses. The Victim In this matter
 has 5 mental Health Disorders And was diagnosed with
 these mental Health Disorders In (1999) Applicant, was con-
 victed of "Trauma Evidence", stating that the Victim had state-
 ments, interactions, and behaviors, that are consistent with
 sexual Abuse. Applicant, has the Burden of proof that this
 Victim has been exhibiting behaviors that the prosecutor claims
 that was created by Applicant's sexual Abuse. Applicant In this
 matter needs the experts that worked with the Victim since
 (1999) Applicant, also needs a Doctor rebuttal witness. Mrs.
 Cady, Thank you for your time and concern In the Abuse
 matter.

Respectfully yours

Rodney A. Simmons

Radney A. Simmons # 343814 DEA-22-1
Party Correctional Institution
430 Oaklawn Road
Pelzer S.C. 29669

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DEC 09 2014

P.C.I. MAILROOM

Honorable Daniel F. Shearisse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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COMMISSARY COMMISSARY