

The Supreme Court of South Carolina

ROBERT LEE FOSTER, PETITIONER

vs.

STATE OF SOUTH CAROLINA, Respondent
Appellate Case No. 2015-000372
Lower Court Case No. 2012-CP-42-2921

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RESPONSE

S.C. Supreme Court

PETITIONER ASSERTS THAT HE HAS COMPLY; AND RESPOND
DEAL WITH THE SOUTH CAROLINA COURT RULE AND PRO
CEDURE FOR THIS COURT TO CONSTRUCTED WITH THE CAPT
ION AND PETITION,

PETITIONER ASSERTS SINCE THE HONORABLE COURT HAS
KNOWLEDGE THAT NO FINAL ORDER "OR" JUDGMENT OR
DECISION HAS BEEN ISSUED BY THE CIRCUIT COURT
IN THIS POST-CONVICTION. CITE HEAMON VS. STATE, 363
S.C. 432, 434, 611 S.E.2d 494, 495 (2005) CITE Mc
Coy VS. STATE, 401 S.C. 363, 739 S.E.2d 623 (2013)
CITE: Walker vs. Deeds, 50 F.3d 670, 672-73 (9th
Cir. 1995) (GRANTING WRIT BECAUSE SENTENCING JUDGE'S
VIOLATED DUE PROCESS CLAUSE BY FAILING TO FOLLOW
STATE LAW PROCEDURE - IN WHICH PETITIONER HAD
CONSTITUTIONALLY PROTECTED "LIBERTY INTEREST" FOR
DETERMINING APPLICABILITY OF HABITUAL CRIMINAL "

SENTENCE. CITE Echols vs. Thomas, 33 F.3d 1077 (11th Cir. 1994) (PER CURIAM) PETITIONER CLAIM THAT SENTENCE EXCEEDED STATUTORY MAXIMUM EVEN THOUGH IT ULTIMATELY TURN ON A QUESTION OF STATE LAW BECAUSE THE EIGHTH AMENDMENT BAR A PRISON SENTENCE BEYOND THE LEGISLATIVELY CREATED MAXIMUM. CITE Cupit vs. Whitley, 28 F.3d 532, 536 (5th Cir. 1994) CERT. DENIED U.S. CT. 1128 (1995) (A STATE COURT'S EVIDENTIARY RULINGS PRESENT COGNIZABLE CLAIM ONLY IF THEY RELY UPON A SPECIFIC CONSTITUTIONAL RIGHT OR RENDER THE PETITIONER TRIAL, APPEAL, PCR OR WRIT OF HABEAS CORPUS OR STATE HABEAS, FUNDAMENTALLY UNFAIR (IN WHICH CASE SUSTAINING THE CONVICTION WOULD VIOLATE PETITIONER'S 14TH FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS. CITE Wigglesworth vs. Oregon, 49 F.3d 578 (9th Cir. 1995) (GRANTING WRIT BECAUSE STATUTORILY AUTHORIZED PROCEDURE OF ADMITTING CERTIFIED COPY OF DRUG ANALYSIS REPORT, SUBJECT TO DEFENDANT'S SUBPOENAS AND CROSS-EXAMINING CHEMIST WHO PREPARE REPORT VIOLATE DUE PROCESS CLAUSE BY RELIEVING THE STATE'S OF ITS BURDEN OF PROOF AS AN ESSENTIAL ELEMENT OF THE CASE.

March 24, 2015
Bishopville, S.C.

Robert Lee Foster #194085
cc: Alan McCoy Wilson, Esquire

Order date: March 19, 2015

Robert Lee Foster

ROBERT LEE FOSTER #194085

F5-A-156T

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