

The Supreme Court of South Carolina

Michél A. Dukes<sup>SR.</sup>, petitioner

v.

State of South Carolina, Respondent

Motion for  
Review for  
Reconsideration for  
**RECEIVED**

RE: Appellate Case No. 2015-001137  
(2014-CP-26-1339)

JUN 17 2015

S.C. SUPREME COURT

I'm hereby requesting permission to submit the explanation required by Rule 243(c), SCACR.

If I'm able to resubmit the explanation required I'm hereby submitting the following:

"Sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications is "Washington v. State, 478 S.E.2d 833, 835 (S.C. 1996). (where the applicant did not have direct review of a claim he brought in PCR due to "so many procedural irregularities.")

Sufficient reason for failure to Timely File

See 17-27-45(B) (which "requires the observance of those procedures that... are implicit in the concept of ordered liberty.")

This exception is "reserved for watershed rules of criminal procedure," which implicate the fundamental fairness and accuracy of the proceeding. See Teague, 489 U.S. at 311.

The Supreme court has repeatedly cited Gideon v. Wainwright, 372 U.S. 335 (1963), as an example of the watershed exception. (holding that the Sixth Amendment right to assistance of counsel for all criminally accused is made obligatory on the States by the fourteenth Amendment).

But see that petitioner would rely on the above and also Powell v. Alabama, 287 U.S. 45, 68-69, 53 S.Ct. 55, 77 L.Ed. 158 (1932), stating that defense counsel tests the prosecution's case to ensure that the proceedings serve the function of adjudicating guilt or innocence, while protecting the rights of the person charged.

Respectfully Submitted,

Date: 6-16-15

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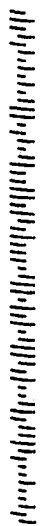


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The Supreme Court of South  
Carolina, The Honorable  
Daniel E. Shearouse, clerk of  
Court  
P.O. Box 11330  
Columbia, SC  
29211

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THE DEPARTMENT OF CORRECTIONS HAS NEITHER  
CENSORED NOR INSPECTED THIS ITEM. THEREFORE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

EVANS CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS