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AUG 31 2015

S.C. SUPREME COURT

IN THE S.C. SUPREME COURT
County of Dorchester

Dervick L. Parker #334246
Petitioner

Case NO: 2011-CP-18-02453

Motion FOR Reconsideration
OR
Motion to Amend

Petitioner Received the dismissal of his Writ of Certiorari and Makes the following Complaint:

1. That the reason he asked The Court to grant his Motion to Withdraw the Writ was because he wanted to preserve the issue of The instruction to the Jury that malice can't be inferred from the use of a deadly weapon. This issue which was the second issue Plaintiff raised at the PCR hearing which was addressed by the Deputy Attorney General on Pages 767 Lines 9-10. But were not included as an issue in the order of dismissal is the reason Petitioner is now seeking a Motion to Amend.

2. Petitioner feels like he is entitled to an Austin Review on this issue and he asks the courts to remand his case back to the lower court on this issue so he can preserve it for appeal.

THE STATE of South Carolina
IN THE Supreme COURT

Appeal FROM Dorchester County

Common Pleas Court

HONORABLE Maite Murphy, Circuit Court Judge

Case No: 2011-CP-18-02453

DERVICK L. PARKER Appellant

S.C.D.C. 334246

v.

THE STATE Respondent

Motion To Amend

PETITIONER DERVICK L. PARKER #334246 Moves this Court to Amend his Writ of Certiorari Pursuant to Rule 15(A) (SCRCP) South Carolina Rules of Civil Procedure for the following reasons:

1. The Circuit Court Perfected an order of Dismissal by Signing the Same on the 8th of September 2014 without Ruling on all ISSUES RAISED at Petitioners (PCR) hearing IN REGARDS to his TRIAL COUNSEL NOT OBJECTING to the JURY CHARGE ON MALICE (767 Lines 9-10) OR (45 Line 9-10).

2. Counsel for Petitioner was ineffective for failing to move for a 59(e) under 17-27-80 52(a) also under Pruitt v. State.

Court Documents indicate that Petitioner is entitled to an Austin Review on this matter and also asks the Court to remand this case back to the lower court so that a hearing can be held on the above issues so they can be therefore preserved on appeal here after.

S/ Derrick L. Parker

DERRICK L. PARKER #334246

EVANS CORR. INST. FBC-215

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South Carolina Supreme Court

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Certificate of Service

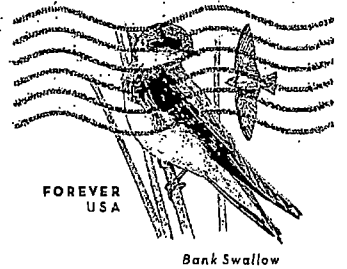
I, Petitioner Derrick L. Parker #334246, hereby certifies that A copy of the Motion to Amend Writ was served upon them through the United States Mail at EVANS CORR. Institution. The Parties Served is The Clerk of The South Carolina Supreme Court; The Attorney General office, and The SC office of Appellate Defense.

SWORN AND SUBSCRIBED Before Me
This 24 day of August

My Commission Expires ON February 12, 2024

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25 AUG 2015 PM 1 L



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