

**RECEIVED**

IN The supreme Court of south Carolina  
SEP 04 2015

**S.C. SUPREME COURT**

Heyward Cecil Dempsey 134171

Petitioner

vs

The state of south Carolina

Respondent

Lower Court Case No. 1997 GS-38-1138

Appellate Case No. 2014-000-333

This is An Appeal To The

supreme Court and Respond

To the state on Respondent

I dont know if this is My new case Number 2015-001639  
I filed this Appeal To The supreme Court After I got  
The Court of Appeals Remittitur And Doing so Me Not  
Being An Attorney And Not knowing I Had To Do The  
Writ of Certiorari writ. The notice of My Appeal  
To The supreme Court was dismissed so I did write  
The supreme Court stated I was supost To Do And  
I Ask The supreme Court To Re Consider Being I Am  
Not An Attorney And into you Tell Me wate To Do. I  
Dont know wate Move To Mack so I did wate I was  
Told And with Hopes This supreme Court would Consider  
This. The state would not give Me An Attorney on My  
Post-Conviction on The forensic DNA Testing  
Hearing They did not give Me An Attorney on The Appeal  
in The Lower Court But Making Me Believe Robert  
Michael Dedeck was My Counsel. I MAY Be unsuccessful  
in Challenging My Conviction As The state said But  
Just Make The supreme Court will see your bases  
for Criminal Act's By Way of Perjury and Concealing  
The DNA your solicitor Had Took from Me

It Must Be Exculpatory And one Hell of An Issue  
That Proves My Actual Innocence! Because you  
The state should want the Court's to have the  
forensic DNA Test Results. I Appealed This To  
The Supreme Court so they will protect My  
Constitutional Rights. I HAVE Proven the state  
Violated s.c. Code of Law 17-28-100(A) 17-28-70(E)  
17-28-80) 17-28-90) B-5) 17-28-110) That's An Act of  
gross Negligence 17-28-300) Prosecutorial Misconduct  
Perjured Testimony in the Court Order from  
General Sessions Court. stated I Ask for Retesting  
That was A lie. I Proved That with the Application  
That stated After My Trial it was discovered I Had  
Hep-c That was A lie I Proved That in Page 110-111  
of the Transcript. you stated the DNA Toek  
from Me Did Not Have Clear Tie's to the Crime  
That was A lie. I Proved That with the Court Order  
To Tack My D.N.A. And I Never Ask the state on  
the Court to Collect Blood from the victim that  
was A lie. you stated there was no samples  
taken from the victim I Proved That was A lie  
By His Examination and the state's Expert Witness.  
you Violated My Due Process in 1998 When the  
Test Results Come Back By Not Doing What the Law  
state's you Must Do 17-28-100) A) you Violated My  
due Process November 14<sup>th</sup> 2013 At the Hearing By Not  
Producing the written Laboratory Reports so By you  
The state CONCEALED the written Laboratory Reports

from the Court is Bracking Each Law I Have Put in  
this And Violated My Equal Protection of the Law  
And My Equal Protection under Constitutional  
Law so How Many Criminal Acts will you use to  
keep the Truth from the Court. it's Been 17 years  
of My life you got the written Laboratory Reports  
that Prove's My INNOCENCE The Law states what you  
Must Do And you Brack the Law. so TELL THE COURT  
How That Mack's you fill knowing I NEVER sexually  
Abused No One And you got The Evidence And  
Wont Produce it you should Be Helping The INNOCENCE  
I HAVE Did 17 years 6 Months for Nothing Because one  
of your solicitors Concealed Evidence That was By  
Law to go to the Court Now you ARE Covering for Him.  
IN stead you want to dismiss or Re Tect Through  
Procedura Default knowing I AM NOT AN ATTORNEY

The EARLIER Motions HAVE NOT BEEN Ad Judicated  
And IN Addition it ALSO Requires A stronger  
showing of ACTUAL INNOCENCE THAN did Previous  
The U S Supreme Court Case Id schlup v Delo  
The supreme Court Held THAT A Petitioner could  
demonstrate ACTUAL INNOCENCE By showing  
that it's More likely than Not THAT NO REASONABLE  
Juror would HAVE Convicted Him in light of the  
NEW Evidence 513 U S 298. 327 (1995)

Kyles vs Whitty 514 U.S. 419 453 (1995) due Process Violated Because Prosecution suppressed Exculpatory Evidence That if disclosed could Reasonable Have Altered Results of Proceeding

In Murray vs Carrier The Court stated that Procedural default would be excused even in the absence of cause when a Constitutional violation has probably resulted in the conviction of one who is actually innocent 477 U.S. 478 496 (1986)

In Bank vs Reynolds 54 F.3d 1508 1508 1521 10<sup>th</sup> Cir (1995) states with Holding of Exculpatory Evidence in violation of Brady constituted sufficient cause to excuse procedural default

In Fairchild vs Lockhart 979 F.2d 636 640, 8<sup>th</sup> Cir (1992) states Inadvertent Possession of Exculpatory Evidence constituted sufficient cause to excuse Procedural Default

government's bad faith attempt to suppress evidence indicates that such evidence may be material 1045 see e.g. U.S. vs Rodriguez-Alvarado 985 F.2d 1519 15<sup>th</sup> Cir (1993)

The Court Noted That if state Court Are To be given the opportunity To Connect Alleged Violations of Prisoner's Federal Rights They Must surely be Alerted To The fact That The Prisoner's Are Assenting Claim's under The united states Constitution Id At 365-66 see Egt Mc CANDLESS vs VAUGHN 172 F3 255-261-63-3d Cir 1999)

This is Why I Ask The supreme Court To forgive ME My Procedural default's I AM not An Attorneyj And Do My Best Alone I HAVE Put The Evidence Befor This Court With Exhibits To Prove wate I HAVE stated is The Truth Wene I sent you The writ of Centionari I Ask This Court To VACAT This Conviction under Equal Protection of Constitutional Law The Act's of unlawful Method's used Dws Not give ME Equal Protection By the state violaten s c code's of LAW. My due Process And yet A nother Judicial Proceeding in which To Adjudicate or demonstrate That Constitutional Error infected The Proceeding Claim of Actual Innocence By Concealing The D N A from the Courts And ME By utilizing The illegal Act's

And This Case should Be  
"VACATED"

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Appellate CASE No. 2014-000-333

Supreme Court CASE No. 2015-001637

### Proof of service

I Heyward Cecil Dempsey HAVE SERVED A COPE of THIS document ON ALL Parties listed Below by delivery TO THE Mac Dougall MAIL ROOM TO be delivered by U.S. POSTAL SERVICE

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DATE, September 2, 2015

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