

{ STATE OF SOUTH CAROLINA }
{ IN THE SUPREME COURT }

{ APPEAL FROM GREENVILLE COUNTY }
{ THE HONORABLE G. EDWARD WEIMAKER }
{ CIRCUIT COURT Judge }

APPELLATE CASE NO. 2015-000595

THE STATE

RESPONDENT,

v

ERICK E. HEWINS

PETITIONER.

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SEP 14 2015

S.C. SUPREME COURT

{ REPLY MOTION TO REPLY OUT OF TIME }

RESPECTFULLY SUBMITTED

DATED September 10, 2015

s/ Eric E. Hewins

MCCORMICK #1 F-2-B-

386 REDEMPTION WAY

MCCORMICK, SOUTH CAROLINA

29899

{ PROOF OF SERVICE }

I ERICK E. HEWINS DOES HEREBY CERTIFY THAT HE HAS ON
THIS DAY OF SEPTEMBER 2015 SERVED THE REPLY MOTION
TO THE REPLY OUT OF TIME UPON OPPOSING COUNSEL BY
DEPOSITING A COPY OF THE SAME IN THE UNITED STATES MAIL
POSTAGE PREPAID AND ADDRESSED TO:

SUSANNAH R. COLE
ASST. ATTORNEY GENERAL
FOR SOUTH CAROLINA

RECEIVED

SEP 14 2015

POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA

S.C. SUPREME COURT

29211

RESPECTFULLY SUBMITTED

DATED September 10, 2015

S. Erick Hewins

McCormick % F-2-B-

386 REDEMPTION WAY

McCormick, SOUTH CAROLINA

29899

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{ REPLY MOTION TO REPLY OUT OF TIME } S.C. SUPREME COURT

THE PETITIONER RESPECTFULLY SUBMITS THAT SCRPC RULE 240(E) GIVES THE COURT AUTHORITY IN ITS DISCRETION TO ENLARGE OR LIMIT THE TIME FOR FILING THE RETURN.

{ SUPPORTING FACT }

THE RESPONDENTS NEVER MOVED THIS COURT UPON A MOTION FOR AN ENLARGEMENT OR AN EXTENSION. THE RESPONDENTS DID NOT REPLY IN A TIMELY MANNER NOR ASKED FOR AN EXTENSION CLAIMING IT WAS OVERLOOKED.

{ PROBATIVE FACT }

THE PETITIONER CONTENDS IT IS LIKELY THE PETITIONER WILL PREVAIL ON APPEAL FROM THE COURT OF APPEALS DECISION.

JUDGE FEW STATED THAT THEY ARE TROUBLED BY OFFICER GARDNER BARE ASSERTION THAT HE HAD CONSENT AND THERE SHOULD BE CAUSE IT NEVER HAPPENED OFFICER COTHERAN TESTIFIED THAT OFFICER GARDNER WAS COMMITTING PERJURY

THE (CAD REPORT) CORROBORATES OFFICER COTHERAN TESTIMONY ALSO IN MEGAN NEWMAN TESTIMONY REVEALS OFFICER GARDNER WAS NOT BEING TRUTHFUL OFFICER COTHERAN TESTIMONY CONTRADICTED OFFICER GARDNER.

THIS CONVICTION IS THE RESULT OF PERJURY AND PROSECUTORIAL MISCONDUCT WHICH RESULTED IN A DENIAL OF DUE PROCESS THE QUESTION SHOULD BE HOW THE INTEGRITY OF THE JUDICIAL

SYSTEM BE MAINTAINED BY COVERING UP THE INCOMPETANCE,
CORRUPTION OR LACK OF EDUCATION OF JUDICIAL OFFICIALS.

DOESN'T THE PUBLIC HAVE A RIGHT TO KNOW WHETHER ELECTED
JUDGES ARE PERFORMING THEIR DUTIES COMPLETELY AND ETHICALLY
WHILE IN OFFICE.

THUS IT APPEARS THAT THE TRIAL COURT AND THE COURT OF APPEALS IS
MORE INTERESTED IN HIDING AND MAINTAINING THE INTEGRITY OF
THE JUDICIAL SYSTEM.

IN ORDER FOR JUDGE FEW TO HAVE FOUND THIS IS A CONSENT SEARCH
HE WOULD HAVE HAD TO FIND THE OFFICER EXCLUDED THE SCOPE
OF THE SEARCH, FURTHERMORE THERE WAS AN UNLAWFUL DETENTION

OFFICER COTHERAN TESTIMONY PROVES OFFICER GARDNER... TERRY
FRISK WAS INVALID. THE COURT OF APPEALS ERRED IN ITS FACTUAL
DETERMINATION, TRIAL COUNSEL WAS NOT ABLE TO FULLY ARGUE
PETITIONER'S FOURTH AMENDMENT VIOLATION BECAUSE THE TRIAL
COURT PREVENTED COUNSEL FROM DOING SO.

TR. TR. PG. 162 L-1-6

FOR ALL REASONS PETITIONER WAS PREJUDICED "NO FAIR MINDS
JUDGE WOULD HAVE AGREED WITH THE TRIAL COURT OR THE COURT OF
APPEALS DECISION.

THE RESPONDENTS STILL HAS NOT ANSWERED TO MOTION TO DISMISS

THEY ONLY ANSWERED TO THE APPEAL BOND THE PETITIONER

SUBMITS THE TRANSCRIPT RECORD SUPPORTS OFFICER GARDNER

WAS COMMITTING PERJURY OFFICER COTHERAN CONCLUDES THAT

GARDNER WAS NOT BEING TRUTHFUL.

THE PETITIONER RESPECTFULLY SUBMITS THAT THIS HAS RESULTED IN A COMPLETE MISCARRIAGE OF JUSTICE. RESPONDENTS IS COMMENTING ON PETITIONER BEING A PRO SE LITIGANT PETITIONER WAS COMPELLED TO PROCEED PRO SE JESSICA LERER DID THIS TO GIVE THE ATTORNEY GENERAL A TACTICAL ADVANTAGE IN THE COURT OF APPEALS.

{ CONCLUSION }

FOR ALL REASON STATED ABOVE PETITIONER MOTION TO DISMISS RESPONDENTS FRIVOLOUS ARGUMENT SHOULD BE RESPECTFULLY GRANTED. WHEREFORE PETITIONER PRAYS UNTO THIS HONORABLE COURT NOT TO RELAX THE REQUIREMENTS OF SRCP RULE 240(E) AND FOR ANY OTHER RELIEF THE COURT DEEMS JUST AND PROPER. THE PETITIONER FURTHER SUBMITS RESPONDENTS STILL HAVE NOT RESPONDED TO MOTION TO DISMISS FILED JULY 17, 2015 WITH APPEAL BOND.

RESPECTFULLY SUBMITTED

DATED September 10, 2015

S. Emick Nowitz

MCCORMICK #1 F-2-B-

386 REDEMPTION WAY

MCCORMICK, SOUTH CAROLINA

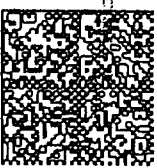
29899

ERICK HEWINS 297728

McCormick Correctional Institute
396 Redemption Way
McCormick, SC 29899

AUGUSTA GA 309

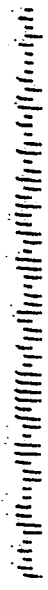
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The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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LEGAL MAIL
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THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM. THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

McCORMICK CORRECTIONAL INST.
S.C. DEPARTMENT OF CORRECTIONS

SEP 10 2015
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