

State of South Carolina
County of Greenville

Brandon Jabar Christian # 350508
APPELLATE,

V.

State of South Carolina
Respondent.

State of South Carolina
In The Supreme Court

APPELLATE CASE NO. 2015-000123

MOTION For

WRIT OF MANDAMUS

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JUL 11 2016

S.C. SUPREME COURT

APPELLATE, Brandon Christian, by and through A writ of mandamus, addresses the court pursuant to S.C. Code Ann. § 17-27-100 and ask that no ruling on the inadequately drafted Johnson Petition be made until this motion is considered.

Reasoning Being, on September 18, 2015 Kathrine H. Hudgins filed a Johnson Petition for writ of certiorari raising one issue that had not been properly preserved by the P.C.R. court, also was never ruled on in the Honorable Letitia H. Verdin's order of dismissal.

My procedural due process right was violated under § 17-27-100 based on P.C.R. Appellate Attorneys failure to raise a properly preserved issue on appeal in Her Johnson's Brief.

A party may not argue one ground(s) at PER or Trial and an alternate ground(s) on appeal.

LEGAL

In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge; issues not raised and ruled upon in the trial court will not be considered on appeal. STATE V. Dunbar, 356 S.C. 138 587 S.E. 2d 691
That's a direct violation of my due process right under Article 1, Section 3, under the South Carolina Constitution and also fourteenth Amendment under the United States Constitution.

An issue that was not preserved for appellate review should not be addressed by the court of appeals, and the court's opinion should be vacated to the extent it addressed an issue that was not preserved.
Also citing STATE V. Dunbar, 356 S.C. 138 587 S.E. 2d 691.

The Appellate is requesting that Kathrine H. Hudgins file the same petition Appellate submitted to the Supreme Court giving Appellate full access to the court and effective assistance of Appellate Counsel.

The Johnson petition presented before this court by appointed Appellate Counsel fails to present not only the proper question(s) in its right forum for consideration by this court, but the Johnson petition also negates any legal argument or point of law supporting petitioner's standing position.

This Court has recognized that a PCR Litigant is entitled to the effective assistance of appellate counsel on appeal from the denial of Post-conviction Relief. See Austin v. State 305 S.C. 453 at 454 469 S.E. 2d 395, 396: Rule 71.1(G) SCRPC, (1991)

WHEREFORE, For all the foregoing reasons, Appellate submits that he has presented good cause for a motion of writ of mandamus and therefore respectfully requests, pursuant to § 17-27-100 that the court authorize this motion to be honored and for his due process of law be afforded.

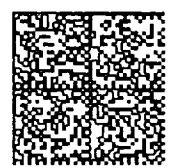
Respectfully Submitted,

Bonnie Chester

July 3, 2016

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4848 Gold mine Hwy
Ceresaw SC, 29067.

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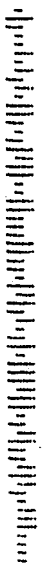


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