

State of South Carolina
In The Court of Appeals

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SC Court of Appeals

Appeal From Richland County
DeAndrea Benjamin - Court Judge

State of South Carolina
Respondent

Casey Lewis

Appellant

Final Brief

Casey Lewis #259254
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Pro Se

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Table of Authorities

- S.C. Code of laws §15-53-10 through §15-53-30
- Statutory Construction of S.C. Code §16-3-20 Codified in "1999" and Codified in "2010."
- Williams v. State 410 S.E2d 563-564
- State v. Prince 517 S.E2d 229-232
- Mid-State Auto Auction of Lexington Inc. v. Altman 476 S.E2d 690-692
- Rowe v. Hyatt 468 S.E2d 649-650
- Jackson v. Charleston County Sch. Dist. 447 S.E2d 859-961
- Berkeley County School Dist. v. South Carolina Dept. of Revenue 679 S.E2d 913
- Pond Place Partners, Inc. v. Jode 567 S.E2d 881
- Holden v. Cambell 486 S.E2d 1
- Rainey v. Haley 745 S.E2d 81
- Stardancer Casino Inc. v. Stewart 556 S.E2d 357
- Curtis v. State 549 S.E2d 591
- Duvall v. South Carolina Budget and Control 659 S.E2d 125
- Collins v. Doe 574 S.E2d 739-743
- Michou v. Georgetown County 723 S.E2d 805-808
- Florence County democratic Party v. Florence County republican Party 727 S.E2d 418
- Appellant's Affidavit (1a) - to include Motion to Quash Plaintiff Motion to Defendant
- Judge Young's Order of dismissal Dated September 12, 2013 (1b)
- Judge Young's order of dismissal of 59(e) Motion Dated October 22, 2013 (1c).
- Court of Appeals Order (1d).
- Court of Appeals order denying rehearing (1e)
- Declaratory Judgement Motion (2a)
- Order Denying Declaratory Judgement by Judge Benjamin (2b).

Statement of the Issues on Appeal

- 1). Whether the Court of Common Pleas - Mrs. Benjamin - was correct in dismissing Appellant's Declaratory Judgment under the Doctrine of Res Judicata

- 2). Whether the Court of Common Pleas did an analysis and made a full determination established by South Carolina Jurisprudence concerning the Court's Authority to determine the legislature legislative intent as it relates to S.C. Code §16-3-20 as it was codified in the year "1999" as opposed to its current reading codified in the year "2010"

Statement of the Case

Appellant petitioned the Court of General Sessions (Criminal) Pursuant to §17-23-110 under the doctrine of After-discovered evidence challenging Appellants Conviction (See Attachment 1a "Appellants Affidavit to include Answer to the Plaintiff's Motion to Quash defendant's motion). The Honorable Judge Young ruled on the Post-trial motion stating, "There was no newly discovered evidence at issue." (See Attachment 1-b-order). Appellant then filed a 59(e) motion asking the Honorable Court to reconsider his ruling - since the motion was captioned under one (1) Statutory Code of law §17-23-110 (Criminal) and four (4) S.C. Rules of Court Rule 29(b), Rule 60(b)1, Rule 60(b)3, and Rule 60(b)4. The Honorable Judge Young answered Appellant's motion to reconsider his ruling 59(e) on October 22, 2013 (See Attachment 1c-Order). However, the Court of Appeals ruled that Appellant's 59(e) Motion to the Honorable Judge Young can not be recognized within the Court of General Session (Criminal) because the 59(e) Motion is a motion only recognized within the Court of Common Pleas (Civil) (See Attachment 1d-order). Appellant then petitioned the Court of Common Pleas to Pursuant to the South Carolina Code of laws §15-53-10 through §15-53-30. Respectfully Motioning the Honorable Court to make a Declaratory Judgment declaring the Statutory Construction of the S.C. Code of law §16-3-20, as it was Codified in the Year "1999" as opposed to its current reading Codified in the Year "2010" (See Attachment 2A-Declaratory Judgment). Appellant ask the Honorable Court to take Judicial notice that he was indicted under the "1999" Year Version of S.C. Code §16-3-20 which only allows for three (3) Punishments. Those Punishments must be: 1. Death, 2. Life, 3. or a mandatory minimum term of imprisonment for thirty (30) Years. The statute is clear and unambiguous outline the Sentencing Parameters for the offense of murder. When the statute is clear the doctrine of Statutory Construction Controls. Appellant, then asked the Court to take Judicial notice that the clause "Thirty to life" which, is written in the "2010" Year Version of Statute S.C. Code §16-3-20 is absent in the "1999" Year Version of Statute §16-3-20 (See Attachment 2A-Declaratory Judgment). The Honorable Judge Mrs. Benjamin denied Declaratory Judgment under the doctrine of Res Judicata (See Attachment 2b-order).

Issue 1

Appellant filed a declaratory Judgment motion Pursuant to the South Carolina Code of laws § 15-53-10 through § 15-53-30 motioning the Honorable Court to make a declaratory Judgment declaring the Statutory Construction of S.C. Code of law § 16-3-20, as it was Codified in the year "1999" as opposed to its current reading Codified in the year "2010." (See Attachment 2a). The Honorable Court denied declaratory Judgment on February 5, 2016 under the doctrine of Res Judicata (See Attachment 2b).

At issue is, whether the Court of Common Pleas had the Authority to rely on a ruling in the Court of General Session, in which the Appellant motioned the General Sessions Court Pursuant to title § 17-23-110 to review After-discovered evidence based on Appellant's Affidavit. (See Attachment 1a Affidavit to include Motion to Quash Plaintiff motion to Correct Sentence). The Honorable Judge Young denied Motion on September 12, 2013, but did not specifically address Appellant's Affidavit attached to the "Answer to Plaintiff's Motion to Quash Defendant's Motion to Quash," which was filed prior to the evidentiary hearing held on September 12, 2013, instead gave his interpretation regarding what the statute intends. It is the Judge's interpretation that the Honorable Mrs. Benjamin relies on to invoke the doctrine of Res Judicata.

Appellant asserts that the cause of action in the Court of General Session was to review the After-discovered evidence Pursuant to § 17-23-110 and if the Court deemed the evidence (Affidavit) to be After-discovered the Court then could have interpreted S.C. Code of law § 16-3-20 as it relates to the Appellant. Then the Court of Common Pleas could have relied on that interpretation to invoke Res Judicata. Also, because the Cause of action in the Court of Common Pleas are different, the Honorable Judge Benjamin's denial under the doctrine of Res Judicata was incorrectly applied.

The Appellant respectfully motions this Honorable Court to analyze and determine Appellant's issue.

Issue 2

Appellant asserts that the Power of the Court of Common Pleas and the Scope of Inquiry in a declaratory Judgment is determined by the Underlying issue and that no difficulty would be encountered regarding the underlying issue. Horn County v. Insurance Reserve Fund 544 S.E2d 637; Charleston & W.C. Ry. Co v. Joyce 99 S.E2d 187.

At issue is the statutory Interpretation of the S.C. Code of law § 16-3-20, as it was Codified in the Year "1999" as opposed to its current reading adopted and Codified by the legislature in the Year "2010." The Court has held that when the legislature an amendment to a statute the Court recognizes a presumption that the legislature intended to change the law. The Appellant motioned the Court of Common Pleas to interpret the legislature's intent not to petition the Court to change his Sentence. Duvall v. South Carolina Budget and Control 659 S.E2d 125 (2008). (See Attachment 2a).


Appellant respectfully motion this Honorable Court to Analyze and determine the magnitude of the legislature's legislative intent regarding this Six (6) and fourteenth (14th) Amendment violation for interpreting the language of the Sentence statute § 16-3-20 in a way the legislative body did not adopt, because at least eight hundred (800) South Carolina convicted individuals currently serving a term of incarceration or Parole who are impacted by the resolution of the statutory Construction of this Particular Penal Statute. (See Attachment 2A).

Conclusion

Appellant should be Granted declaratory Judgment, or this Honorable Court should Provide the legislature's legislative intent for Crafting the S.C. Code of law §16-3-20 as it was Codified in the Year "1999" as opposed to its Current reading Modified and Adopted in the Year "2010."

August 30 2016

Respectfully Submitted


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SC Court of Appeals

Appeal from Richland County
DeAndrea, Benjamin - Court Judge

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v.

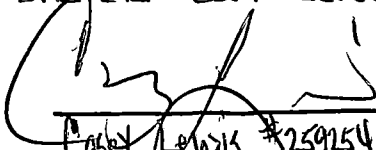
Cassey Lewis

Appellant

Case No: 2016-000442

Certificate of Service

The Appellant, Cassey Lewis #259254, hereby certifies that a true copy of attached "Final Brief" of Appellant to include (15) copies in the above referenced case has been served upon the Clerk for the Court of Appeals and one (1) copy served upon Attorney General Alan Wilson.


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State of South Carolina

Swock to and subscribed before me this 30 day of August 2016.

Serena Ferguson
Notary Public for South Carolina

My Commission Expires: 10-1-25

S.C. Court of Appeals
Honorable Jennv Kitching - Clerk
P.O. Box 11629
Columbia S.C. 29211

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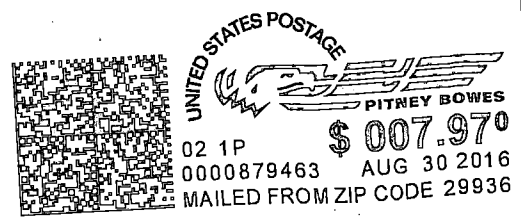
Re: (Filing of final brief Case No: 2016-000442)

Madam Kitching:

Enclosed is a copy of the final brief
to include (15) copies in the above referenced case.
Thank you for taking the time out of your busy
schedule to review my concern. Please have a nice
day.

Sincerely
Caylin

Casel Lewis # 259154
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To: South Carolina Court of Appeals
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