

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Circuit Court

Judge Kristi Lea Harrington, Judge

Appellate Case No. 2014-002776

RECEIVED

NOV 10 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

Respondent,

Vs.

MOTION FOR RECONSIDERATION

LouShonda Myers,

In Propria Persona, Sui Juris.

I, LouShonda Myers, am now petitioning the court for reconsideration and relief from being forced to file nine (9) copies of the Record on Appeal in this matter. I have previously recorded a motion for relief and it was denied in part. I am financially unable to prepare the voluminous amounts of copies without creating great difficulty in meeting the most basic needs of me and my family.

I have already spent a great deal of money obtaining the transcripts in this matter (even though I asked for relief due to my financial situation) as well as recording motions and mailing costs. The production of nine copies will create a great burden. It is my position that I cannot be punished for my inability to provide the number of copies requested due to my financial status.

"Our decisions for more than a decade now have made clear that differences in access to the instruments needed to vindicate legal rights, when based upon the

financial situation of the defendant, are repugnant to the Constitution." (Emphasis added.) Id. at 42, 88 S.Ct. at 196.

And in United States v. Carella, 411 F.2d 729, 733 (2d Cir.), cert. denied sub nom. Erhart v. United States, 396 U.S. 860, 90 S.Ct. 131, 24 L.Ed.2d 112 (1969), this court said:

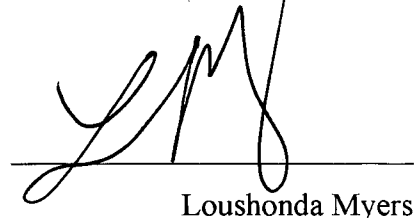
"We are unwilling to say that a full transcript of a lengthy former trial, much of it relating to matters of no true concern to the indigent defendant, is invariably 'needed,' however convenient it might be for counsel thus to be able to avoid having to think out what he truly requires."

See Gardner v. United States, 407 F.2d 1266, 1267 (D.C.Cir.), cert. denied, 395 U.S. 911, 89 S.Ct. 1757, 23 L.Ed.2d 225 (1969) ("Timely objection to denial of this right [to a written transcript] requires reversal of a conviction if an accused was prejudiced by the denial") (emphasis added). (United States Ex Rel. Cadogan v. LaVallee 428 F.2d 165, 167 (2d Cir. 1970))

"Where access to such essential material can be had for a fee, this "money hurdle" must, under Griffin, be met for the indigent at Government expense..... Justice Frankfurter's description, concurring in Griffin v. People of State of Illinois, 351 U.S. at page 23, 76 S.Ct. 585. (Peterson v. United States 351 F.2d 606, 608 (9th Cir. 1965))

Therefore, I am respectfully demanding that the appeal proceed with the number of copies of the Record on Appeal provided.

November 6, 2016.



Loushonda Myers

In Propria Persona, Sui Juris Plaintiff, Petitioner

27 Wateree Trail

Georgetown, South Carolina 29440

(843) 527-2100

loushondamyers@yahoo.com

Certificate of Service

I, Loushonda Myers, certify that a copy of the foregoing Motion for Reconsideration and Affidavit has been served on the following parties in the following manner:

V. Henry Gunter, Jr.

P.O. Box 11549

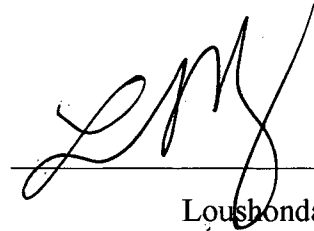
Columbia, South Carolina 29211

Alan Wilson, John Aplin

P.O. Box 11549

Columbia, South Carolina 29211

November 6, 2016.

A handwritten signature in black ink, appearing to read 'LMyers', is written over a horizontal line.

Loushonda Myers

In Propria Persona, Sui Juris Plaintiff, Petitioner

27 Wateree Trail

Georgetown, South Carolina 29440

(843) 527-2100

loushondamyers@yahoo.com

Affidavit of LouShonda Myers

I, LouShonda Myers, now submits this Affidavit into record.

I am financially unable to bear the burden of the costs of producing nine copies of the Record on Appeal.

I have already spent a great deal of money fighting for my Rights in this matter.

I have already been denied my Rights to copies of the transcripts free of charge in this matter, and I am now being forced into being unable to pay for basic needs and necessities in order to vindicate my Rights.

I cannot afford the copies, and it is unconstitutional for my appeal to not move forward based on my financial status and/or inability to pay for voluminous amounts of copies for the record on appeal.

LouShonda Myers

LouShonda Myers

In Propria Persona, Sui Juris, All Rights Reserved

Date: 11/7/16

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SC Court of Appeals

(Notary) Signed: *Chelise Vereen*

(Notary) Printed Name: Chelise Vereen

Date: November 07, 2016

My Commission Expires: May 08, 2024

