

HONORABLE DANIEL SHEAROUSE
CLERK, SOUTH CAROLINA SUPREME COURT
POST OFFICE BOX 11330
COLUMBIA, SC 29211
JULY 28, 2017

RECEIVED

AUG 03 2017

S.C. SUPREME COURT

RE: TOBY MOORE V. THE STATE-MOTIONS- APPELLATE CASE NO.
2017-001360

IN RE: 2014-CP-42-2768 REQUEST PURSUANT TO 17-27-80 OF
SOUTH CAROLINA CODE OF LAW & SCRCP 52(a) & 59(e)

"ATTENTION" HONORABLE MR. SHEAROUSE,

Enclosed, please find copies of my humble request to my PCR Attorney, Ms. Leah B. Moody, ESQ., requesting "beforehand" that she Alter/Amend Judgment in the event that the PCR Judge or Court if you will, rule against me. I also mailed Ms. M.Hope Blackley, Clerk of Court Spartanburg County a copy, Ms. Jenny Abbot Kitchings, Clerk of Supreme Court(cc.), also Mr. Alan McCroy Wilson, ESQ., Attorney General (cc.). This request was made "Months" prior to a ruling by the PCR Court on: July 7, 2016, and November 2, 2016.

I thank you for your time and attention in regard to this legal matter.

Respectfully Submitted,

Toby Moore

cc.: Leah B. Moody, ESQ
Valerie G. Giovanoli, ESQ
Robert M. Dudek, Chief Appellate Defender

AFFIDAVIT OF SERVICE

I, Toby Moore, certify that on the day of July 28, 2017 that I have served a copy of attached letter on the below listed individual by delivering a copy of same to the McCormick Correctional Institution mail room, mailed United States Postal Service, prepaid and addressed as follows:

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

Sworn to and Subscribed before
me this 28 day of July, 2017
JCA Rankin
Notary Public of South Carolina

My Commission Expires 12-16-2019

Toby Moore
Toby Moore, #350242
McCI F1-120-b
386 Redemption Way
McCormick, SC 29899

RECEIVED

AUG 03 2017

S.C. SUPREME COURT

SPARTANBURG CO. CLERK OF COURT
Ms. M. HOPE BLACKLEY
180 MAGNOLIA ST.
SPARTANBURG S.C. 29306

RE: TOBY MOORE V. STATE C.A.No.: 2014-CP-42-2768; REQUEST
PURSUANT TO 17-27-80 OF THE SOUTH CAROLINA CODE OF LAW & SCRCF
52(a) & 59(e)

Dear Ms. Blackley,

Enclosed, please find a letter to Ms. Leah B. Moody, LLC,
requesting her to preserve my issues from my PCR hearing, for
further appellate review, in the event the Judge was to rule
against me concerning this legal matter.

Please! File the letter and send me a clock-stamped copy at
your earliest convenience.

Thank you for your time and attention in this legal matter.

M. HOPE BLACKLEY

2016 NOV -7 AM 10:29

RESPECTFULLY SUBMITTED,

Toby Moore

cc: Alan McCrory Wilson, Esquire
Leah B. Moody, LLC
Jenny Abbott Kitchings, Clerk

LEAH B. MOODY, LLC
235 E. MAIN ST STE 115
ROCK HILL, SC 29730
NOVEMBER , 2016

RE: TOBY MOORE V. STATE C.A.No.: 2014-CP-42-2768; REQUEST
PURSUANT TO 17-27-80 OF THE SOUTH CAROLINA CODE OF LAW AND RULES
OF CIVIL PROCEDURE 52(a) & 59(e)

Dear Ms. Moody,

I'm writing in regard to my request to you on July 7, 2016,
to preserve my issues pursuant to 17-27-80 of the South Carolina
Code of Law and Rules of Civil Procedure 52(a) & 59(e), if by
some reason the Judge rule against me, concerning this legal
matter. I haven't received a(n) response from you, and would
like to know if you intend to honor my request.

I thank for your time and attention in this legal matter.

RESPECTFULLY SUBMITTED,

cc: Alan McCrory Wilson, Esquire.

2016 NOV -7 AM 10:29
M. HOPE BLACKLEY

AFFIDAVIT OF SERVICE

I, Toby Moore, certify that on the day of Nov 2, 2016, that I have served a copy of attached letter on the below listed individual by delivering a copy of same to the McCormick Correctional Institution mail room, mailed United States Postal Service, prepaid and addressed as follows:

SPARTANBURG CO. CLERK OF COURT
MS. M. HOPE BLACKLEY
POST OFFICE BOX 3483
SPARTANBURG, SOUTH CAROLINA 29304-3483

M. HOPE BLACKLEY

2016 NOV -7 AM 10:29

Sworn to and subscribed before

me this 2 day of Nov, 2016

J. A. Franklin 02 NOV 2016
Notary Public of South Carolina

My Commission Expires 12-16-2019

Toby Moore, J. G. Moore
Toby Moore, 350242
McCI F1-120-B
386 Redemption Way
McCormick SC 29899

"Some pages of letter
July 9, 2016"

Also, Pursuant to S.C. Code Ann. sec. 17-27-80 (2003), the PCR judge must make specific findings of fact and state expressly the conclusions of law relating to each issue presented. The failure to specifically rule on the issues precludes appellate review of the issues. (Pruitt v. State, 310 S.C. 254, 423 S.E. 2d 127 (1992)). IN Marlar v. State 653 S.E. 2d 266; " The cases this Court remanded for specific findings were unique cases in which the Court attempted to remind circuit court judges and parties that: (1) Specific findings of fact and conclusions of law were required; and (2) a Rule 59(e) motion must be filed if issues are not adequately addressed in order to preserve the issues for appellate review. Although the cases apparently have not accomplished the Court's goal, they do not change the general rule that issues which are not properly preserved will not be addressed on appeal." Furthermore, In Marlar; " WE take this opportunity to reiterate our admonition that counsel preparing 'proposed orders' should be meticulous in doing so, opposing counsel should call any omissions to the attention of the PCR judge prior to issuance of the order, and the PCR judge should carefully review the order prior to signing it. Even after an order is filed, counsel has an 'OBLIGATION' to review the order and file a Rule 59(e), SCRPC, motion to alter or amend if the order fails to set forth the findings and the reasons for those findings as required by 17-27-80 and Rule 52(a), SCRPC." (Pruitt v. State, 310 S.C. at 256, 423 S.E.2d at 128.)

Therefore, Ms. Moody, I pray that you honor my request in regard to filing a Proposed Order, and my request pursuant to 52(a) and 59(e), SCRPC, required by sec. 17-27-80 S.C. Code Ann. (2003).
GOD BLESS YOU!

Respectfully Submitted,

Jody L Moore
350242

AFFIDAVIT OF SERVICE

I, Toby Moore #350242, certify that on the day of July
7, 2016, that I have served a copy of attached letter, along
with supporting facts from PCR application, on the below listed
individual by delivering a copy of same to the McCormick
Correctional Institution mail room, mailed United States Postal
Service, prepaid and addressed as follows:

Leah B. Moody, LLC
235 East Main Street
Post Office Box 1015
Rock Hill, South Carolina 29731
This 7 day of July, 2016

SWORN to and subscribed before

me this 7 day of July, 2016

[Signature]
Notary Public of South Carolina

My Commission Expires 12-16-2019

Toby Moore #350242
Toby Moore, 350242
McCI F1- 120-B
386 Redemption Way
McCormick, SC 29899

Law Office of Leah B. Moody, LLC

Leah B. Moody
Lbmatty@comporium.net

235 East Main Street, Suite 115
Post Office Box 1015 (29731)
Rock Hill, South Carolina 29730
Telephone (803) 327-4192
Facsimile (803) 329-1344

November 11, 2016

Toby Moore, #350242
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

RE: Toby Moore v. State of South Carolina
C.A. No.: 2014-CP-42-2768

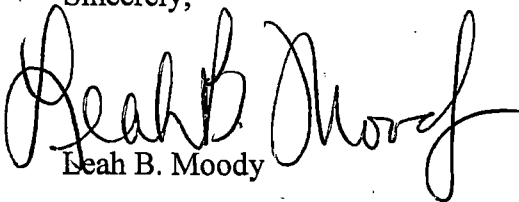
Dear Mr. Moore:

I am in receipt of your letter dated November 3, 2016 and will address your issues in the order presented.

As of today's date, I have not received the proposed order from Judge Cothran and everything was preserved on the record at your hearing on June 16, 2016.

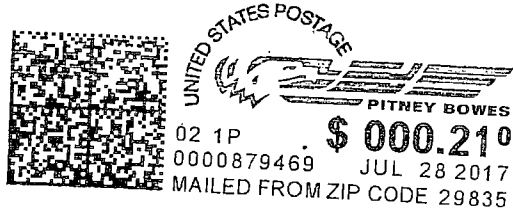
If you have any additional questions or concerns, please feel free to contact my office in writing.

Sincerely,


Leah B. Moody

LBM/lpt

Loby Moore
F1-120-B-MCI
386 Redemption Way
McCormick, SC 29899



Attn: Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

121

44 150247

MAIL ROOM
JUL 2 8 2017
POST OFFICE

FOR YOUR PROTECTION
THE DEPARTMENT OF THE TREASURY
THE FEDERAL BUREAU OF INVESTIGATION
S.C. DEPARTMENT OF CORRECTIONS
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
1000 EAST BROADWAY
COLUMBIA, SOUTH CAROLINA 29201



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