

December 10<sup>th</sup>, 2017

Supreme Court  
Clerk of Court  
P.O. Box-11330  
Columbia, SC. 29211

**RECEIVED**

JAN 12 2018

**S.C. SUPREME COURT**

Re: My supplemental brief for Writ of Certiorari

CASE No: 2015-CP-42-1784

Dear Supreme Court i am placing you on notice that i have a "Motion to Alter or Amend the Judgement of the PCR Court" that was filed on April 25<sup>th</sup>, 2017, As it's still pending in the lower court and i ask that this Honorable Court assist this Motion As it's being ignored. I have enclosed a checked copy of my 59e for the Courts view.

thank-you

December 10<sup>th</sup> 2017

1/3/ Jaron F. Mays  
Jaron F. Mays #250287  
Perry Carr Inst (BX12)  
430 Oaklawn Rd.  
Pelzer, SC. 29669

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STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )  
Javan Fredrick Mays #250287 )  
a/k/a Von Fredrick Mays, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS JAN 12 2018  
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2015-CP-42-1789 S.C. SUPREME COURT

MOTION TO ALTER OR AMEND  
THE JUDGMENT OF THE PCR  
COURT

2017 APR 28  
M. HOFFER

This matter comes before the Court by way of an application for Past-Conviction Relief filed April 28, 2015. The Court conducted an evidentiary hearing on the matter on 11-9-16 at the Spartanburg County Courthouse. Applicant was represented by Rodney Richey, Esq. Alicia A. Olive, Esq., of the S.C. Attorney General's Office represented Respondent.

I. PROCEDURAL HISTORY

In October 2012, the Spartanburg County Grand Jury indicted Applicant for two Counts of attempted murder (2012-GS-42-5314, and 5315, and armed robbery and possession of a fire arm during the Commission of a violent crime (2012-GS-42-5316, count one and two). At trial, Applicant represented himself and J. Roger Pool, Esq. acted as Standby Counsel. On 11-18-13, Applicant went to trial before the Honorable Alexander S. Macaulay and Jury. The Jury found him guilty as indicted. Judge Macaulay sentenced him to imprisonment for concurrent terms of 20 years on each count of attempted murder, 20 years for armed robbery and five years for the firearm charge.

Applicant filed a timely notice of appeal. Susan B. Hackett, Esq. of the Office of Appellate Defense represented Applicant on appeal and filed a brief on his behalf pursuant to Anders v. California.<sup>1</sup> Appellate Counsel explained that, in this case, because Applicant represented himself at trial, he was responsible for preserving appellate issues.

<sup>1</sup> 386 U.S. 738 (1967)

## II PCR ALLEGATIONS

In his application, the applicant alleged he is being held in custody unlawfully for the following reasons (in addition to the grounds set forth in Respondent's order of Dismissal):

3. The trial Court lacked Subject-matter Jurisdiction to convict and sentence the applicant.
4. The applicant was denied the right to effective assistance of appellate Counsel's failure to raise and argue the state Brady<sup>2</sup> and Rule 5<sup>3</sup> violation.
5. The applicant discovered after trial that the State used perjured testimony by one of its witnesses to obtain his conviction for "attempted murder".
6. The applicant did not knowingly waive his right to counsel with an understanding of the elements of his "attempted murder" offense (as the Judge himself mischarged the Jury on the elements of attempted murder and could not have ensured that the applicant understood the nature and elements of his charge to proceed pro se).

M. JEFFRE BLANKLEY

2017 APR 28 PM 1:49

Accordingly, pursuant to S.C. Code Ann. § 17-27-80, a PCR Judge must make a specific finding of fact and conclusion of law on each issue set forth in a PCR application. See McCray v. State, 408 S.E.2d 241 (S.C. 1991). The applicant thus contends that inasmuch as the applicant's Memorandum of Law shows that the above listed grounds 3-6 was included in his PCR pleadings this Court should grant the applicant's Motion to ensure fundamental fairness.

This 25<sup>th</sup> day  
of April 2017

Isi Javan, Mays  
Savan Fredrick Mays #250287  
Perry Correctional Inst.  
430 Oaklawn Road - BX-12  
Pelzer, S.C. 29669  
Pro se

April 25, 2017

Frank R. Addy, Jr.  
Presiding Judge, Seventh Judicial Circuit  
180 Main Street  
Spartanburg, S.C. 29301

Re: Javan Fredrick Mays Senc # 250287 v. State

Dear Judge Addy:

Enclosed please find my Motion to Alter or Amend the Judgment of the PCR Court and Proof of Service for same for your consideration.

Sincerely

/s/ Javan Mays

Javan F. Mays #250287  
Perry Correctional Inst.  
430 Oaklawn Rd. - BX-12  
Pelzer, S.C. 29669

Pro Se

cc: file

APR 26 PM 1:50  
IN RE: C. MAYS

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Javan Fredrick Mays #250287,  
Applicant,

v.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2015-CP-412-1784

PROOF OF SERVICE **RECEIVED**

JAN 12 2018

S.C. SUPREME COURT

I certify that I have served the Motion to Alter or Amend the Judgment of the PCA Court by depositing a copy of it in the U.S. Mail, postage prepaid, on April 25, 2017, addressed to Respondent's Attorney of Record, Alicia A. Olive, Office of Attorney General of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549.

Date: April 25, 2017

ls/ Javan Mays  
Javan Fredrick Mays #250287  
Perry Correctional Inst.  
430 Oaklawn Rd - BX-12  
Pelzer, S.C. 29669  
Pro se

cc: file

2017 APR 28 PM 1:50  
M. HOPE BLACKLEY

THE DEPARTMENT OF CORRECTIONS HAS  
NOT CENSORED THIS ITEM, THEREFORE,  
THE DEPARTMENT DOES NOT ASSUME  
RESPONSIBILITY FOR ITS WRITTEN CONTENTS.  
S.C. DEPARTMENT OF CORRECTIONS

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Pelzer, SC. 29669

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JAN 03 2018  
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Inter-Agency-mail

LEGAL MAIL

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JAN 03 2018

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