

State of South Carolina
In the Supreme Court

Certiorari to Richland County
DeAndrea Benjamin - Court Judge

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MAY 07 2018

S.C. SUPREME COURT

Caset Lewis


PETITIONER

V.

State of South Carolina

RESPONDENT

Reply Brief


Caset Lewis #259254
Richland C.J. CA #60

Pro Se

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ARGUMENT

ISSUE 1

The trial Court's Order does not cite Authoritative Case Law to support its ruling dismissing Petitioner's Declaratory Judgment under the doctrine of res judicata. The Court's order is ONLY a conclusory statement and makes no citation of Authority. The Petitioner respectfully MOTIONS this Court to do a full analysis and make a full determination that is supported by Authoritative citations established by South Carolina Jurisprudence (See State v. Porter 698 S.E2d 237). Pursuant to the South Carolina Code of Laws §15-53-10 through §15-53-30 the trial Court could have declared the Statutory Constructions 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," because of the Constitutional Magnitude of the intervening change to §16-3-20 "2010" year version in the applicable legal context.

There are 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. It is foreseeable that this issue will be raised to this Court again repetitively and postured in the same manner. Therefore, it is in the best interest of Judicial Economy and for the sake of Public Interest to resolve this Controversy in this case at this time. See Bond Place Partners, Inc. v. Poole, 351 S.C. 1, 567 S.E.2d 861; Holden v. Campbell, 326 S.C. 208, 486 S.E2d 1.

Courts Authority to Review Criminal Statutes

The Courts have been familiar with interpreting Penal / Criminal Statutes through the framework of declaratory Judgment, Jack L. Hinton Jr. v. S.C. Dept of Probation, Parole and Pardon Services, Opinion No. 3722; State v. Breech 417 S.E2d 873 (1992). Specifically, in the case State v. Breech, by way of Hinton the issue before the Court was whether the defendant's prior out-of-state convictions were within the scope of Section 56-5-2940 which enhanced the penalty for repeat offenders. The version of Section 56-5-2940 in effect when

the Supreme Court decided Breach. Noting that the rules of Statutory Construction required that Criminal Statutes be construed with ambiguities resolved in favor of the defendant, the Supreme Court determined that the statute did not cover out-of-state convictions because of the explicit language in the statute.

Issue 2

Murders Committed Prior to January 1, 1996 the Penalty was either execution or life imprisonment without the Possibility of Parole for either twenty (20) or thirty (30) years, depending on the Presence of aggravating factors. Effective January 1, 1996 the South Carolina Legislative body Amended legislation where there were three (3) Possible Penalties for Murder: 1) Death; 2) Mandatory life Imprisonment if the State Sought death and at least one statutory aggravating Circumstance was found beyond reasonable doubt but without a recommendation of death; 3) Mandatory Minimum term of imprisonment for thirty (30) years. S.C. Code 16-3-20 (a). Under the 1996 Amendment, life means the full, natural life of the Convicted. A Person Sentenced to Mandatory Minimum of thirty (30) years is ineligible for Parole, any early release Programs, work Credits, education credits, Good Conduct Credits, or any other Credits that would reduce the Mandatory term of thirty (30) years. The thirty (30) year option was for murders Committed on or after January 1, 1996. State v. Galt 343 S.C. 543 541 S.E2d 541. The South Carolina Legislators intent in crafting the 1996 Year version was to limit the determinate year of incarceration for violation of the Statute 16-3-20 to one of three (3) Specific Punishment: 1) Death; 2) Life; 3) Thirty (30) years.

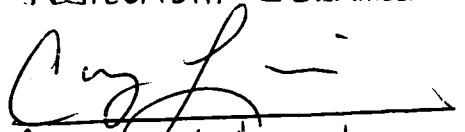
Issue 3

The respondent's silence on the many exceptions to the doctrine of res judicata is an acquiescence for the petitioner to move forward on writ of certiorari without opposition from the state of South Carolina. *Upchurch v. Upchurch*, 624 S.E2d 643; *Marden v. Bradford* - 661 S.E2d 390.

Conclusion

Due to the constitutional magnitude the petitioner requests that the petition for writ of certiorari be granted.

Mar 2 2018

Respectfully Submitted

Casey Lewis #259254
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Certiorari to Supreme Court
from Richland County Court
of Common Pleas
DeAndrea Benjamin, Circuit Judge

CASEY LEWIS

Petitioner

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Respondent

Certificate of Service

Petitioner Certify that I have served the reply brief to Daniel E. Shearouse - Clerk of the Supreme Court. Petitioner also ask that Daniel E. Shearouse forward a copy to the Attorney General's office (Alan Wilson) due to the Petitioner's inability to get copies because of S.C.D.I.C.'s policy on copying handwritten document and also due to the Petitioner's lockdown status because all S.C.D.I.C. Institutions have been lockdown due to riot that resulted in inmates being murdered.

Sworn To and Subscribed Before Me

This 2nd day of May 2018

Virginia Robinson

Notary Public for South Carolina

MY Commission Expires: May 20, 2021

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