

# The Supreme Court of South Carolina

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May 07, 2018

Mr. Casey Lewis, 259254  
Ridgeland Correctional Institution  
P.O. Box 2039  
Ridgeland SC 29936

Re: Casey Lewis v. The State  
Appellate Case No. 2018-000556

Dear Mr. Lewis:

This responds to your letter dated May 2, 2018. The \$25 fee that needs to be paid is for the extension to serve and file the reply to the return to the petition for a writ of certiorari. *See* Rule 240(d), SCACR (filing fee for motions). This motion filing fee must be paid within ten (10) days of the date of this letter.

While I cannot assist you in serving the Attorney General, I have enclosed a copy of your reply so that you can use it to serve the Attorney General.

Very truly yours,

CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire  
T. Parkin C. Hunter, Esquire  
W. Jeffrey Young, Esquire

State of South Carolina  
In the Supreme Court

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Certiorari to Richland County  
DeAndrea Benjamin - Court Judge

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RECEIVED

MAY 07 2018

S.C. SUPREME COURT

Casen Lewis

Petitioner

v.

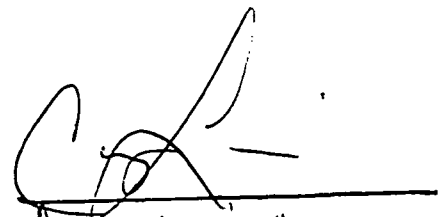
State of South Carolina

Respondent

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Reply Brief

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Casen Lewis #259254  
Richland C.I. 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 modified 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 restored 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.

### Court 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 Breech. 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. Gat 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  
Fideland CI GA #60

State of South Carolina  
IN THE SUPREME COURT

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MAY 07 2018

S.C. SUPREME COURT

Certiorari to Supreme Court  
from Richland County Court  
of Common Pleas  
DeAndrea BENJAMIN, Circuit Judge

CASEY LEWIS

PETITIONER

V.

State of South Carolina

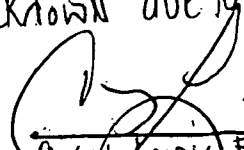
RESPONDENT

Certificate of Service

Petitioner Certify that I have served the reple 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.C.'s Policy on copying handwritten document and also due to the Petitioner's lockdown status because all S.C.D.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

  
Casey Lewis #159254  
Richland C.I. CA-#120  
P.O. Box 2039  
Richland S.C. 29936