

October 26, 2018

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, S.C. 29211

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OCT 30 2018

S.C. SUPREME COURT

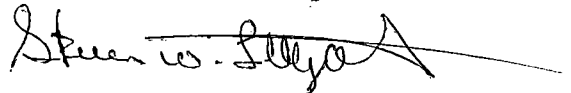
RE: Steven W. Littlejohn V. State
Appellate Case No. 2017-001054
Lower Court Case No. 2015-CP-11-0242

Dear Clerk:

Please find enclosed an original motion to reconsider that is being submitted Pursuant to SCRCP 60 (B) with a copy of your letter dated Oct. 15, 2018, Remittitur, Petition for rehearing order, motion to reconsider Rule 52 (B) SCRCP, Rule 243 (C) SCACR, Rule 221 SCACR, order motion under Rule 52 SCRCP, order motion to Reconsider order and Certificate of Service to be "Clocked - dated - stamped and filed by your office with a clocked - in copy of the same returned to me in the enclosed self - addressed pre - paid stamped envelope Pursuant to Rule 602 SCACR as soon as feasible.

CC: Valerie G. Giovanoli
Assistant Attorney, General

With the Kindest Regards
Steven W. Littlejohn #321946



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OCT 26 2018

MAILROOM
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State of South Carolina) In The Supreme Court
 County of Cherokee)
)
 Steven W. Littlejohn #321946) Appellate Case No. 2017-001054
 Petitioner,) Lower Case No. 2015-CP-11-0242
)
 V.) Motion to Reconsider
) SCRCP 60 (B)
)
 State of South Carolina)
 Respondent,)
)

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 OCT 30 2018
 S.C. SUPREME COURT

TO: Valerie G. Giovanoli Esquire, Assistant Attorney General

You will please take notice that the undersigned will move the Court to reconsider it's letter dated October 15, 2018 and received October 18, 2018 for the following reasons:

The respondent's rely and argue under Wise V. S.C. Dept of Corr. 372 S.C. 173, 642 S.E 2d 551 (2007) that states:

2.) The Supreme Court lacked Jurisdiction over motion to alter or amend judgment: the Court of Appeal properly sent remittitur to the trail court after 15 days had elapsed from the date of the order dismissing the Appeal without the proper filing of A Petition for Reinstatement Appellate Court Rules 221,224,231 (A).

Alleging that the remittitur was property sent and ended the lack of Appellate Jurisdiction by the Supreme Court over this case. Respond's also argue that SCACR Rule 224 was renumbered to 240 but did not deny they inappropriately used an inapplicale SCACR Rule 224 9-9-2009 while placed in reserve by the South Carolina Supreme Court 5-3-2007 Violating A Supreme Court Order. This was error. No Order or Dismissal has been received by the Petitioner.

1.) Wise V. State. State: When the remittitur has been properly sent, the Appellate Court no longer has jurisdiction over the matter and no motion can be heard thereafter; the only exception to the rule is when the remittitur is sent down by mistake. Error or inadvertence of the Appellate Court.

Petitioner argue's that he has complied with South Carolina Appellate Court Rules, the renumbering of SCACR Rule 224 does not negate the fact that it was inappropriately used while placed in reserve by order of the Supreme Court, the South Carolina Supreme Court does have Jurisdiction over this matter and the remittitur was improperly procured through fraudulent error of law to defraud the Court.

List below are the errors of law to be reconsidered:

I.

Respondent's knowingly and intentionally submitted a false and fraudulent "Motion to Correct the Record and File A Supplemental Appendix" 9-9-2009, Pursuant to SCACR Rule 224 that was placed in reserve 5-3-2007 by the South Carolina Supreme Court, Violating the Court's Order. The motion was part of a scheme to defraud the Court and was erronzously granted by the Court without Jurisdiction. (See Exhibits No. 1,2,3,4,and 5 in the original 60 (B) (4) motion - Issue one.

Clearly, the Court of Appeals Erred and lacked Jurisdiction to inappropriately apply and inapplicable State Appellate Court Rule 224 while Placed in reserved by the S.C. Supreme Court where no statutory provisions allowed for such. (See SCRCR Rule 81). A Court without jurisdiction only has authority to dismiss the action unless provisions are made by statute. When a Court has no authority, to act, its acts and proceeding are void, not voidable. (Thomas and Howard Co. 318 S.C. 286,291,457 S.E. 2d 343 - Ross V. Richland County 270 S.C. 100,240,S.E.2D 649 (1978)

The Court's reliance upon this false and fraudulent motion knowingly and intantionally submitted Pursuant to a reserve SCACR Rule 224, violating a Supreme Court Order, resulted in an Error of Law and a abuse of discretion by the Court. (BB&TV. Taylor 369 S.C.548,551).

II.

For the first time on Appeal, Respondent's raised the claim of error, which was unpreserved for Appellate review, related to the five year negotiated sentence in the transcript trcord, Intentionally and knowingly submitted a false and fraudulent "motion to correct the record and file a supplemental appendix" Pursuant to SCACR Rule 224 on 9-09-2009, while placed in reserve 5-3-2007 by the South Carolina Supreme Court Procedurally Defaulting the Petitioner's claim. (See Exhibits No. 1,2 of 3 pgs.,5)

The PCR record is void of the claim of error with no objections and so the issue that Respondent's brought forward was not preserved for Appellate review. State Court Rules regarding preservation or error prevented the state Supreme Court from addressing the claim as presented since the same claim was not presented to or passed upon by the State's PCR Judge (See Coleman V. Thompson 501 U.S. 727 (1991)).

In South Carolina, an issue must have been raised below and ruled upon by the PCR Judge to be preserved for Appellant review. Evans V. State, 365 S.C 495,503-04,611 S.E. 2d 510,512 (2005); Plyer V. State, 309 S.C. 408,424 S.E. 2d 477 (1992). AN issue or argument that is not raised at PCR hearing or ruled upon by the PCR Court, is procedorally barred from aAppellate review.

The Court's reliance upon the false and fraudulent "Motion to Correct the Record and File a Supplemental Appendix" intentionally submitted to defraud the Court (Hazel - Glass Co. V. Hartford Empire Co. 322 U.S. 232,245-246,64 S. CT. 997,88L:Ed 1250 (1944) Pursuant to a reserved SCACR Rule 224, Violating a Supreme Court Order, resulted in an error or law and a abuse of discretion by the Court (BB & T V. Taylor 369 S.C. 548,551).

Clearly, the Court Erred Addressing the Claim of Error on Appeal Not Preserved, Presented or Passed upon by the State PCR Judge and procedurally defaulted under the independent and adequate State law Doctrine (See Issue two original 60 (B) Motion Part I).

III.

As part of the scheme, Petitioner's Attorney intentionally and knowingly submitted a false, fraudulent "Return to Motion to Correct Record and file a Supplemental Appendix" but deliberately failed to submit a judicial notice of misconduct directing the Court's Attention to the fact that SCAR Rule 224 was reserve at the time it was in appropriately used in the Petitioner's Case, thereby violating a Supreme Court Order dated 5-3-2007, Prejudicing the Petitioner and procedurally defaulting his case.(Rule of Professional Conduct 8.3 (A), 8.4 (D) (See Exhibits 1,3,5 in original 60 (B) Motion- Issue II). But for Counsel's deficient Performance the results of this proceeding would have been different citing Strickland V. Washington 466 U.S. 668, 104 S. CT. 2052, 802 Ed.2d 674 (1984)

This Procedural default was a direct result of in advertence of Appellate Court Counsel and State for intentionally allowing this illegal Proceeding to transpire when the State's Attorneys' and Petitioner's Attorney were fully aware of the circumstances of an in applicable rule that was no longer in use. The Appellate record is void of any mention of SCACR Rule 224 being reserved as Appellate Counsel was in effective for corruptly selling out his client's interest to the opposite side. (Bizzell V. Hemington, 548F 2d 505 4th Cir. 2977). This is extrinsic fraud used to prevent the Petitioner from fully exhibiting and try his case.

In Murry V. Carrier 106 S. Ct.2601 (1986) the sixth and fourteenth Amendment of the United States Constitution mandates the State to bear the risk of constitutionally deficient assistance of counsel where procedural default is the result of in effective assistance of counsel, the Sixth and Fourteenth Amendments require that the responsibility for default be imputed to the State.

The Court's reliance upon the false and fraudulent "Return to motion to correct the record and file a supplemental appendix" resulted in an error of law and a abuse of discretion by the Court (BB & T V. Taylor 369 S.C. 548,551).

The Court erred by not finding Appellate Counsel in effective for his intentional failure to submit a judicial notice directing the Court's attention to the fact that SCACR Rule 224 was in appropriately used, while placed in reserve. Petitioner believe that this was a result of a scheme to deliberately defraud the Court and Counsel's failure to report misconduct, violating rules of professional conduct. Appellate Counsel was in effective for selling out his client's interest to the other side.

IV.

Respondents' intentionally and knowingly submitted a false, fraudulent "Conditional Order of Dismissal" Falsely Alleging that the "Applicant" in appropriately used SCACR Rule 224 while placed in reserve by the South Carolina Supreme Court, when in fact, it was the respondent's Attorneys' who in appropriately used SCACR Rule 224 while placed in reserve by the South Carolina Supreme Court, violating a Supreme Court Order. (See Exhibits No 1,2,5 - Pg. 5 of 9 (I) - in the original 60 (B) Motion Exhibits)

Respondents Attorney's deliberately presented known false and fraudulent evidence (Washington V. State 478 S.E. 833). Ingiglo V. U.S. 150, 92 S. Ct. 763,316Ed 2d-164 (1992) deliberate deception of a Court a Presentation of known false and fraudulent evidence is in compatible with rudimentary demands of justice as the Respondent's Attorney allowed this known, fraudulent, false evidence to go uncorrected when it appeared. They urged this known false evidence upon the Court and Prevailed.

Petitioner submitted his 59E Motion to reconsider requesting this substantial error to be corrected and the record amended. A status check with the Cherokee County Clerk of Court uncovered and revealed in the record that:

"The conditional Order of Dismissal Filed 9-23-15 Rule 59E sent to Attorney General's Office on 10-21-15 -" This will be schedule by the Attorney Generals Office". (See Exhibits No. 7 from the record - in the original 60(B) Motion III.

Clear as part of an intentional scheme, the Attorney General's Office deliberately failed to schedule a hearing and intentionally submitted false evidence to defraud the Court and to prevent the Petitioner from fully presenting his case regarding the material five year negotiated sentence in the transcript record. This is extrinsic fraud and is collateral to the material issue tried in this case and effectively deprived the Petitioner of a fair hearing or opportunity to present his case. Rule 60(B) (3) Jamison V. Ford Motor Co. 373, S.C. 348.

The Court's reliance upon this false, fraudulent evidence A "Conditional Order or Dismissal" and the baseless allegation regarding who in appropriately used SCAR Rule 224 while being placed in reserve by the Supreme Court, when in fact, it was Respondent's Attorneys' who intentionally submitted this known, false, fraudulent evidence to defraud the Court resulting in and a error of law and abuse of discretion because the order is based upon factual conclusions that are without evidentiary support. This judgment was procured through fraud upon the Court.

Clearly the Court erred granting this baseless, groundless, Fr: Volous Allegation as the record shows it was the Respondents' Attorneys' who in appropriately used SCAR Rule 224 while reserved and made known false allegation in the "Conditional Order of Dismissal."

Clearly, the evidence in the record supports the position that the Respondent's Attorneys' Affirmatively knew or should have know that SCACR Rule 224 was in reserve, misconduct should have been reported and it was the Respondent's who in appropriately used SCACR Rule 224 while in reserve, violating a Supreme Court Order. (See Exhibit No. 2,3,5,6,7 - in the original 60(B) Motion)

The Attorneys' role in submitting known, false record documents constituted a "deliberately planned and carefully executed scheme" to defraud not only the South Carolina Rules of Court but the Court of Appeals (Hazel - Atlas Glass Co. V. Hartford Empire Co. 322 U.S. 238,245-246, 64 S. Ct.997, 88L. Ed. 1250 (1944).

Petitioner has exercised Due Diligence in pursuing his Due Process right for review. Has my SCAR and under Wise V. State Rule (1) the exception to the rule is when the Remittitur is sent down by Error. As is this case at bar.

The Remittitur in this case was improperly sent down pursuant to an errors of law as the respondent fraudulently submitted a false "Motion to Correct the Record and File a Supplemental Appendix" Pursuant to SCACR Rule 224 (9-09-2009). While placed in reserve by a South Carolina Supreme Court Order dated 5-3-2007, violating a Supreme Court Order. Therefore, the South Carolina Supreme Court does have Jurisdiction over this 60(B) Motion. (See Exhibits No. 2,3,5, - in the original 60(B) Motion Exhibits)

Petitioner Points to another error in the "Conditional Order of Dismissal" Page 5 of 9 (I) where respondent fraudulently Alleged that:

"Applicant in appropriately used a rule of Appellate Procedures that was no longer Applicable and was reserved by the Supreme Court: being Rule 224 SCACR, thus Prejudicing APpliccant and Defaulting his claim.

The record clearly shows it was the respondent who fraudulently submitted this false "Condition Order of Dismissal." (See Exhibit No. 6 - - Page 5 of 9 (I) in the Original 60 (B) Motion Exhibits.

Also the Court erred addressing an unpreserved issue of error raised for the first time on appeal (See argument No. II) See original 60(B) Motion Exhibits 2,5

And Advancing a false motion to correct the record and file a supplement appendix "Submitted Pursuant to SCACR Rule 224 while in reserve without Jurisdiction. (See Argument No. I) See Exhibits No. 2,5 in the original 60(B) Motion 2,5)

And Appellate Counsel was in effective for failing to file a judicial notice directing Court Attention to the fact that SCACR Rule 224 was in reserve at the time it was used in Petitioner Case, (See Argument No III) SEE Exhibits No. 2,3,5)

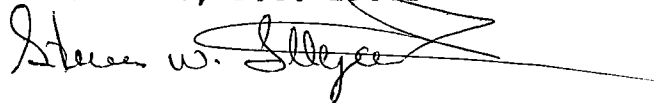
Conclusion

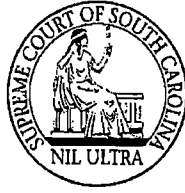
In considering presented facts, the Petitioner has demonstrated the existence of a Prim Facie showing of a Meritorious Motion and Defense Supported by Court records documents, exhibits and affidavit raising jurisdictional error and due process questions of law worthy of investigate and discussion of real facts of conflicting or doubtful evidence that the Court may grant relief from judgment within a reasonable amount of time (See Deton V. McClury 380 S.C 563)

Petitioner has been prejudice by the actions of Court that violate the Constitution of the United States and laws of this State. TO assure fairness that protects Petitioner's due process (Sixth and Fourteenth Amendment) rights.

CC: Valerie Garcia Giouanol:
Office of the S.C. Attorney General

Respectfully Submitted,
Steven W. Littlejohn #321946
T.C.I. - SNB 234
1578 Clarence Coker Hwy
Turbeville, S.C. 29612





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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 15, 2018

Mr. Steven W. Littlejohn, 321946
Turbeville Correctional Inst.
P.O. Box 252
Turbeville SC 29162

Re: Steven W. Littlejohn v. State
Appellate Case No. 2017-001054

Dear Mr. Littlejohn:

This responds to your motion under Rule 60(b) of the South Carolina Rules of Civil Procedure.

The sending of the remittitur has ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). Therefore, to the extent you may be asking this Court to rule on this motion, no action will be taken on it by this Court.

As to a reference being made to former Rule 224 of the South Carolina Appellate Court Rules (SCACR) in the appellate proceeding relating to your first post-conviction relief case, Rule 224 was simply renumbered as Rule 240, SCACR, in April 2009. The content of the rule was not changed by this renumbering. *See* Order of the Supreme Court dated April 29, 2009 ("Rules 224 through 230, SCACR, of the current rules are renumbered as Rules 240 through 246, SCACR. All references to these renumbered rules shall be amended in all other court rules

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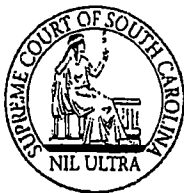
and forms.").

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Valerie Garcia Giovanoli, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

November 14, 2017

The Honorable Brandy W. McBee
PO Drawer 2289
Gaffney SC 29342-2289

REMITTITUR

Re: Steven W. Littlejohn v. State
Lower Court Case No. 2015CP1100242
Appellate Case No. 2017-001054

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Valerie Garcia Giovanoli, Esquire
Steven W. Littlejohn, 321946

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COLUMBIA, SC

The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

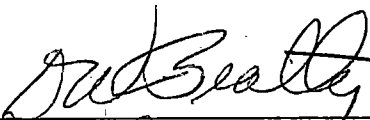
v.

State of South Carolina, Respondent.

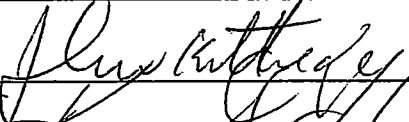
Appellate Case No. 2017-001054

ORDER


After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.




C.J.



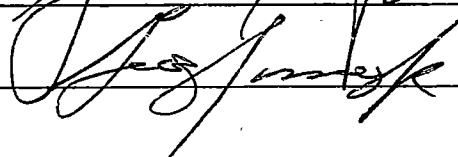
J.



J.



J.



J.

Columbia, South Carolina

November 14, 2017

cc:

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MAILROOM
TURBEVILLE C.

The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001054

ORDER

Petitioner's motion to reconsider this Court's denial of his request for leave to file a Rule 52(b), SCRCP, motion, and the amended motion to reconsider are denied. In addition, because in the explanation required by Rule 243(c), SCACR, petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

W. Beatley

C.J.

J. Williams

J.

James L. Edwards

J.

Allen Carmon

J.

Gregory

J.

Columbia, South Carolina

September 28, 2017

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The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001054

Lower Court Case No. 2015CP1100242\

FILED IN THE OFFICE
CLERK OF THE COURT
2017 MAY 19 A 11:03
CHEROKEE COUNTY, SC

ORDER

The request for leave to file a motion under Rule 52 of the South Carolina Rules of Civil Procedure with the circuit court is denied.¹



C.J.
FOR THE COURT

Columbia, South Carolina
May 17, 2017

cc: Valerie Garcia Giovanoli, Esquire
Steven W. Littlejohn, 321946
The Honorable Brandy W. McBee

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¹ It does appear that the order denying the motion to reconsider does erroneously refer to the final order as being dated December 29, 2015. Instead, the final order is dated December 29, 2016, and was filed with the clerk of the circuit court on January 3, 2017. Because this error is so obvious, it is unnecessary for this Court to remand this case to the circuit court to correct this clerical error under Rule 60(a), SCRPC.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

Steven W Littlejohn, #321946,)

Applicant,)

vs.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2015-CP-11-0242

ORDER

This matter comes before the Court by way of Applicant's *pro se* document titled "Motion to Reconsider." The Respondent made its Return to this Motion requesting it be dismissed.

The Final Order of Dismissal in this matter was signed by this Court on December 29, 2015. Based upon careful reconsideration of all the evidence in this case and upon full consideration of Applicant's response and objections, this Court is not persuaded to alter or amend the judgment. This Court further finds that oral argument would not aid in the reconsideration of the original judgment. Therefore, this Court finds that the original Order of Dismissal, which was signed and then filed January 3, 2017, shall stand as it was written.

AND IT IS SO ORDERED this 7th day of April, 2017.


J. Mark Hayes, II
Seventh Judicial Circuit

Cherokee South Carolina

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Page 1 of 1

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2017 APR 12 A 11:04
BENJAMIN G. HODGE
CHEROKEE COUNTY, SC

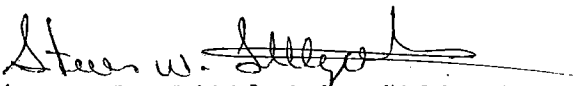
Exhibit No. 16

State Of South Carolina) In The Supreme Court Of
County Of Cherokee) South Carolina
))
))
Steven W. Littlejohn #321946) Appellate Case No. 2017-001054
) Lower Court Case No.2015-CP-1100242
Petitioner,)
))
V.)
))
State Of South Carolina) Certificate Of Service
))
Respondent,)
))
))

I Steven W. Littlejohn do hereby Certify that I have this day served the Petitioner's SCRCP Rule 60 (B) Motion For Reconsideration with exhibits in the Foregoing Action on the Attorney of record by depositing one copy of the same in the United States mail and addressed as follows:

Office Of The Attorney General
Valerie Garcia Giovanol, Esquire
Post Office Box 11549
Columbia , South Carolina 29211

This 26 day of October 2018


Steven W. Littlejohn #321946
T.C.I. - SNB #234
1578 Clarence Coker Hwy
Turbeville, S.C. 29162

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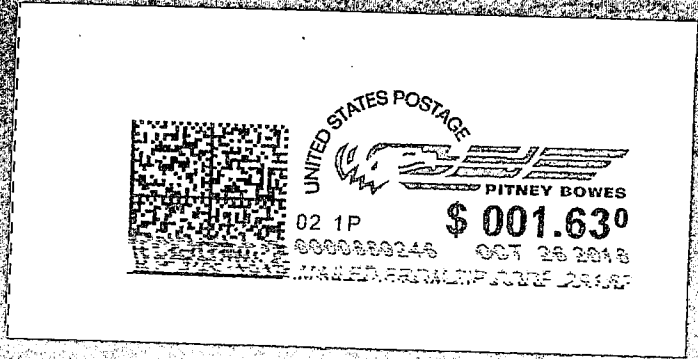
OCT 30 2018

S.C. SUPREME COURT



ice Coker Hwy
So. Car.

29162



The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330

Col. L. S. C.