

The Honorable Chief Justice,
Ms. Jean Toal
South Carolina Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

RECEIVED

FEB 01 2013

Date: 1-24-13
S.C. SUPREME COURT

Reference: case No.: 2010-CP-40-07887

Dear Honorable Ms. Toal:

I am writing in reference of my appeal that was filed in your office dated January 11, 2013. On January 16, 2013 I received an order stating my appeal was dismissed by you. Your Honor, this case is ripe and it has legal merits that need to be ruled on. I asked the courts to at least grant me a chance to prove my allegations. Judge Barber III granted me an (PCR) evidentiary hearing, to hear testimony of a subpoena witness, that should have testified at my original trial. [Bannister v. State 509 SE.2d.807] and [Martinez v. State 403 SE.2d 113]. states the only way I can prove prejudice resulting from trial counsel's alleged ineffectiveness in failing to call witness who purportedly would have corroborated the actual facts of the case. And the witness was critical and crucial to the defense, I had to have the witness at the (PCR) hearing to give testimony in some manner consistent with the rules of evidence. However, Your Honor I did have this witness there at the (PCR) hearing, but unfortunately the Judge stated we only there because of a motion to dismiss hearing. In which like I said before Judge Barber III had already made a ruling on the briefs and granted a evidentiary hearing to hear the actual probative evidence in the case, concerning the subpoena witness. Please understand I wasn't given a fair (PCR) hearing and now a (6) day appeal that has been dismissed. all I am requesting is a reconsideration of appeal based on the actual facts stated in this letter. Thank, you for your time and assistance in this very important legal case.

Respectfully
St. Bryan M. Smith

cc: FILED

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Richland County
Court of Common Pleas

Case: No. 2010-CP-40-07887

Bryan M. Gantt, #197653

Appellant

Vs.

State of South Carolina

Respondent

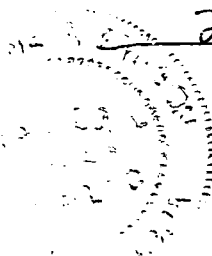
MOTION FOR
RECONSIDERATION ON APPEAL

I Bryan M. Gantt #197653, hereby asked this Honorable Court to grant this motion based on the actual facts stated within the letter of support. Also, I asked this Court to appoint Appellate Counsel to represent Appellant in the above case.

SWORN TO AND SUBSCRIBED BEFORE THIS

25 Day of January, 2013.

Cathie A. Amora (L.S.)
Notary Public



My Commission Expires December 22, 2013

My Commission Expires: _____