

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERT. COURT OF APPEALS
APPELLATE CASE NO. 2019-000392

~~TRIAL CT. CASE NO. 2018-CP-1600422~~

LERROY BENNETT, 153421,, APPELLANT,

v.

STATE OF SOUTH CAROLINA,, RESPONDENT.

WRIT OF CERTIORARI

LERROY BENNETT
WIASSCKY HWY.
BISHOPVILLE, SC
29010
PETITIONER

cc: HARLEY L. KIRKLAND, Esq.
ASSIST. ATTY. GEN.
PO BOX 11549
COLUMBIA, SC 29211-1549
~~RESPONDENT COUNSEL~~

RECEIVED

JUL 24 2019


S.C. SUPREME COURT

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CERTIFICATE OF COUNSEL

I, LEROY BENNETT, 153421, CERTIFY THAT I DID FILE FOR A REHEARING TO THE SC COURT OF APPEALS, AND THE COURT OF APPEALS RULED ON THIS SAID REHEARING, SEE MOTION FOR RECONSIDER AND THE COURT'S RESPONSES DATED JUNE 25, 2019. EXHIBIT NO. ONE (1), ENCLOSED:

S/ 
LERoy BENNETT, 153421
990 WISACKY HWY.
BISHOPVILLE, SC 29010
PETITIONER

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S.C. SUPREME COURT

QUESTION

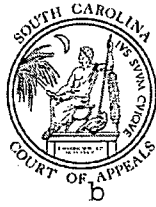
DID THE COURT OF APPEALS ERRED WHEN IT DENIED THE APPELLANT MOTION TO PROCEED IN FORMA PAUPERIS, WHEREAS, THE APPELLANT IS INDIGENT STATUS, INCARCERATED FOR OVER THIRTY YEARS AND HAVE NO FINANCIAL SUPPORTS FROM NO ONE?

STATEMENT OF CASE

PETITIONER LEROY BENNETT, 153421, PREVIOUSLY FILED A MOTION TO THE CIRCUIT COURT (DARLINGTON COUNTY COURT OF COMMON PLEAS), TO CORRECT SENTENCES ACCORDINGLY TO THE S.C. LEGISLATIVE, etc., §17-25-50, i.e., THE COURT DENIED THIS MOTION AND PETITIONER APPEALED THE ORDER DENYING THE PETITIONER'S MOTION TO MOVED IN FORMA PAUPERIS. THE COURT DISMISSED PETITIONER'S APPEAL DUE TO BEING UNABLE TO PAY THE FILING FEES ON JULY 16, 2019, see CLERK OF COURT SIGNATURE, HON: V. CLAIRE ALLEN, DEPUTY CLERK, etc., See ORDER OF DISMISSAL DATED JULY 16, 2019, **ISSUED BY THE SC COURT OF APPEALS.**

PETITIONER BENNETT FACTUALLY CONTENTS THAT HE IS UNABLE TO PAY THE REQUIRED FILING FEE TO THE HONORABLE COURT, AND HE IS INDIGENT STATUS, PETITIONER HAVE BEEN INCARCERATED FOR OVER THIRTY (30) YEARS AND HAS NO FINANCIAL SUPPORTS TO PAY THIS FEE, AND PETITIONER FURTHER CONTENTS THAT THE APPEAL IS CRIMINAL RELATED, THE PETITIONER BENNETT EXPLICITLY STATES THAT THIS APPEAL IS SOLELY ARISING FROM A CRIMINAL CONVICTION, WHEREAS, THE MOTION WAS FILED TO THE LOWER COURT TO HAVE THE COURT TO CORRECT THE SENTENCE THAT WAS IMPOSED. THIS MOTION TO CORRECT ARE CONSISTED OF THE FOLLOWING, COMPELLING THE SENTENCING COURT TO FOLLOW THE LEGISLATION OF **SC**, ONE CONTINUOUS CRIMINAL ACT, THAT HAS MULTIPLE OFFENSES COMMITTED. THE JUDGE IS EXPECTED TO SENTENCE THE DEFENDANT TO A SENTENCE THAT IS CONCURRENT, IN THE PETITIONER CASE MATTER THE COURT GAVE HIM A CONSECUTIVE SENTENCE BASED UPON THAT THE PETITIONER EXERCISED HIS RIGHT TO TRIAL BY A JURY. THE OTHER CONTENTION IS, THE COURT MUST ISSUE ORDER TO THE SCDPPPS TO REINSTATE PETITIONER PAROLE ELIGIBILITY DATE THAT HE HAD ASSIGNED TO HIM INITIALLY AS IN 1988, SEE PETITIONER HADS A Parole date as being 1996, projected date.

Leroy Bennett



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 25, 2019

Leroy Bennett 153421
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Re: Leroy Bennett, 153421, v. State of South Carolina
Appellate Case No. 2019-000392

Dear Mr. Bennett:

The Court is in receipt of your motion to reconsider our order denying your motion to proceed in forma pauperis. Pursuant to Rule 240(i) of the South Carolina Appellate Court Rules, "[t]he court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." Therefore, no further action will be taken on your motion to reconsider.

Within ten days of the date of this letter, you must comply with the Court's order dated June 6, 2019, regarding the filing fee for the notice of appeal. Failure to comply will result in the dismissal of this appeal.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Harley Littleton Kirkland, Esquire

The South Carolina Court of Appeals

PAGE 4.

Leroy Bennett, 153421, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000392

The Honorable Brooks P. Goldsmith
Darlington County
Trial Court Case No. 2018CP1600422

ORDER

Appellant has failed to pay the required filing fee for the notice of appeal, as required by Rule 203(d)(1)(B)(iii) of the South Carolina Appellate Court Rules, this Court's order dated June 6, 2019 and letter dated June 25, 2019. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Leroy Bennett 153421

Harley Littleton Kirkland, Esquire

FILED

July 16, 2019

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO THE COURT OF APPEALS
APPELLATE CASE NO. 2018-CP-000392

LERoy BENNETT,PETITIONER,

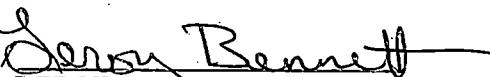
v.

STATE OF SOUTH CAROLINA,RESPONDENT.

PROOF OF SERVICE

I, LEROY BENNETT, CERTIFY THAT I DID SERVED TO THE RESPONDENT A TRUE COPY OF THE PETITION OF CERTIORARI BY WAY OF U.S. MAIL, POSTAGE PREPAID, TO THE RESPONDENT OFFICE ADDRESS AS HARLEY L. KIRKLAND, ESQ., PO BOX 11549, COLUMBIA, SC 29211-1549, on this 22 DAY OF JULY 2019, BY PERSONALLY DELIVERING IT TO THE PRISON MAIL ROOM STAFF FOR VERIFICATION OF MAILING TO THE RESPONDENT'S COUNSEL OF RECORD.

JULY 22, 2019

s/ 
LERoy BENNETT
990 WISACKY HWY.
BISHOPVILLE, SC 29010
PETITIONER

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
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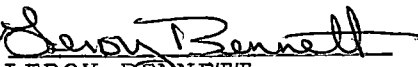
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JULY 22, 2019

s/ 
LERoy BENNETT
990 WISACKY HWY.
BISHOPVILLE, SC 29010
PETITIONER

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S.C. SUPREME COURT

The Supreme Court of South Carolina

Petition of Leroy Bennett, Petitioner.

Appellate Case No. 2019-000931

ORDER

The petition seeking permission to file in the circuit court is denied.



FOR THE COURT C.J.

Columbia, South Carolina

June 7, 2019

cc: Office of the Attorney General
Mr. Leroy Bennett

Lenny Bennett #153421
Lee (E) / F-2A-1154
990 Wisacky Hwy
Bishopville, SC
29010

In-House Mail

Hon: Daniel E. Shearouse
Clerk of S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211

Legal

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS
LEE CORRECTIONAL INSTITUTE
SC DEPARTMENT OF CORRECTIONS

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JUL 23 2019

LEE CI MAIL ROOM