

Spencer Utsey
192660
V. PETITIONER

10/23/19

South Carolina
Dept. of CORR.
Respondents

MOTION FOR
REHEARING

RE: Appellate
Case# -

2019-001302

RECEIVED

OCT 25 2019

S.C. SUPREME COURT

PETITIONER comes before the court with a motion for rehearing or reconsideration of the court ruling dated OCT. 15, 2019 that court denied the writ of certiorari and not with prejudice, so I can reargue that methamphetamine is got violent substances in it see 44-53-110(a) - a drug which contains any quantity of barbituric acid or any of the salts of barbituric acid, or any derivative of barbituric acid which has been designated ~~_____~~

SPENCER UTSEY
PETITIONER

NO 13/19

v.

SOUTH CAROLINA
DEPT. OF CORR.
RESPONDENTS

CERTIFICATE OF
SERVICE

I do hereby aver that I, Spencer Utsey
did serve SCDC General Counsel and The S.C.
Supreme Court with A motion for
rehearing on about 1/19 and placed
copies in the RCT mail system on about

01/23/19

The S.C. Supreme Court
Clerk of Court
P.O. Box 11330
Columbia, S.C.
29211

General Counsel
4444 Broad River Rd.
Columbia, S.C.
29221

Spencer Utsey

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MAIL
ONLY

habit forming by the appropriate federal agency or by the department.

Hereto meth is ice and its a narcotic drug that's been changed to non violent therefore, the court, legislature has to change the law for 24-13-100, to non-violent, because its like taking a murder offense from under the statute you can't it will still be violent offense.

The same here with crystal meth is violent offense and its product that's make the drug meth is methamphetamine a drug? of course it is. Immediate release petitioner for the above from prison because Im under a unconstitutional statute 24-13-100. Also see 44-53-

375.

44553-110(b)

~~is~~ a drug which contains any quantity of amphetamine or any of its optical isomers or any other substance which the appropriate federal agency or the department, after investigation, has found to be capable of being and by regulation designated as, habit forming because of its stimulant effect on the central nervous system.

drug means a substance - Spencer Utsey

A statute is Remedial, and thus is to be construed retroactively, where it creates new remedies for existing rights unless it violates a contractual obligation, creates new right, or divest a vested right. *Gatewood v. South Carolina Dept. of Corrections*, Court of Appeals of South Carolina, March 9, 2016, 416 S.C. 304, 285 S.E.2d 600.

The decision in *Bolin v. South Carolina Department of Corrections*, 415 S.C. 276, 281 S.E.2d 914 (Ct. App. 2016), rehearing denied (Feb. 24, 2016), legislature showed its intent to amend 24-13-100 by changing the law of methamphetamine distribution, possession, to non-violent and taking this offense from under §16-1-60 and the synonym for meth is crack.

Spencer Utsem
5/ Spencer Utsem 192660

10-23-19

Affidavit

RE: case # 2019-
001302

I do hereby swear that I am
indigent and that the grounds I have
raised need to be reviewed by the
court at no cost.

5/ Spencer Utsey
Spencer Utsey #192660

The Supreme Court of South Carolina

Spencer Utsey, #192660, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001302


Lower Court Case No. 2018-ALJ-04-0259-AP

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

October 15, 2019

cc:

Christina Catoe Bigelow, Esquire

Spencer Utsey, 192660

The Honorable Jenny Abbott Kitchings

The Honorable Jana E. Shealy

SPENCER UTSEY 192660

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Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

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