

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO LEXINGTON COUNTY
Court of Common Pleas
The Honorable William A. McKinnon, PCR Judge

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APR 06 2020

Appellate Case No. 2019-000031

S.C. SUPREME COURT

ANDRA B. JAMISON

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**PETITIONER'S MOTION IN OPPOSITION OF RESPONDENT'S
MOTION TO STRIKE PROSE APPENDIX AND
REQUIRE THE FILING OF AN AMENDED APPENDIX**

Now Comes Petitioner Andra B. Jamison, Pro Se Litigant in Opposition of Respondent's Motion to Strike Pro Se Appendix and Requirement to File an Amended Appendix. Pursuant to the South Carolina Appellant Court Rule 243(F) .The, Appendix shall contain the entire lower court record.

Pursuant to Rule 407 Professional Conduct Rule 1.2(A) Appellant court a lawyer shall abide by a client's decision concerning the objectives of representation and, as required by Rule 1.4 shall consult with the client's political economic, social or moral views or activities, representation constitutes "An endorsement of a client's "Legal Views" (within the bounds of law) as opposed to a limitation of those views.

Petitioner disagrees with respondent that the pro se appendix includes matters not previously presented to the post-conviction relief court.

Issue #1 Portion of the trial transcript included in the record on appeal in the case of State vs. Rodney C. Bryan. The issue in question was testified too by the petitioner and can be found in PCR transcript at (App.P.1071 L.1-App.P.1072 L.18), where testimony supports petitioner meeting Rodney C. Bryant who had retained Theo Williams(The

Attorney in Common). There are also two judicial notices of the proceedings that occurred in Lexington County. See (App.P1071L.15-19) Also (App.P. 1072L.14-18).

Issue #2 Petitioner would ask the court to consider that all possible effort was put in to get attorney Glen Walters to perfect a complete 59(e) motion to alter and amend the judgement if it fail to set forth the findings of all issues and reasons for the findings as required by § 17-27-80. See Marlar V. State 375 SC 407 and also bring forth any and all evidence to support the issues presented at the PCR evidentiary hearing. See rule 407 professional conduct Rule 1.2(A). A lawyer shall abide by a client's decision concerning the objectives of representation as required by Rule 1.4. Representation constitutes an endorsement of a client's legal views within the bounds of law as opposed to a limitation of the views. Petitioner did absolutely everything within his power to contact both the PCR attorney Glen Walters and the Attorney General. Expressing the desire and need for a 59(e) if all issues are not ruled upon or incompletely ruled on. See (App.P 891-895) , (App.P. 933-939) and (App.P. 943-945) certificates of service that were furnished to all parties including Glen Walters PCR attorney. After failing to establish communication with Glen Walters to get all pertinent matters handled, Petitioner contacted the courts to learn that the PCR was ruled against unfavorably. At this point Petitioner still had not received any response from PCR Attorney Glen Walters with the status of the PCR hearing. Due to the lack of communication, Petitioner also had a family member go by Glen Walters's office to personally persuade him to file a 59(e) which he filed dated 1st Oct 2018 without consulting Petitioner, this 59(e) did not include vital issues and evidence. See (App.P. 963-973). Based on these facts and the fact that Petitioner had received no communication after receiving a copy of filing from PCR Attorney Glen Walters, Petitioner acted on his own behalf and filed a pro se motion to amend 59(e) to prevent losing or abandoning the unprotected issues and evidence presented. See (App.P. 975-1016) Petitioner also filed a pro se intent to appeal without objection. See (App.P. 1039 1040)

Issue #3 Petitioner disagrees with respondent that the contents of the letter from Jeremy A. Thompson was not presented at PCR court. See (App.P 1127 L.21-25) Mr. Thompson explained to me that he would be restricted in what he could argue. He could not bring up any new issues because Wanda Carter (1st Appellant Attorney) did not address it in the final brief.

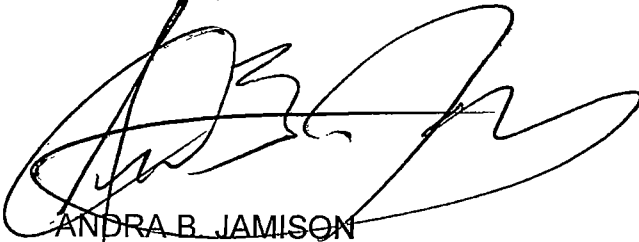
Issue #4 Petitioner asserts that Exhibit 27 sworn statement of the Honorable R Knox McMahon from the Judicial Merit Selection Commission dated 15th Nov 2011 was included as a part of the transcript of the public hearing. See (App. P 1272 L. 11-17) Also placed in the PCR record. See (App. P.1215 L.2-23)

Issue#5 The state submits that the petitioner's motion to supplement the appendix and add M.A.I.T report should be denied on the grounds that it was not brought before or presented a post conviction relief court, but to the contrary there was testimony concerning the M.A.I.T. report in the P.C.R. transcript. See (App.P. 1161,1162).

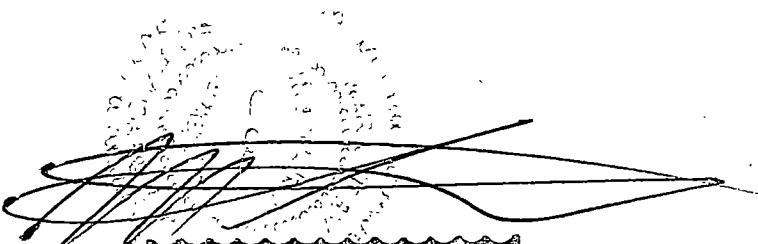
Conclusion

The state stands on the appendix should only include matters that were presented to the lower court. Based on this alone the motion should fail, because the petitioner showed that every issue in question was in deed in the lower courts record. PCR attorney Glen Walters terminated representation 1st Oct 2018 after he submitted A 59(e) that did not preserve all of the petitioner's issues and evidence supporting testimony at PCR thus forcing petitioner to file pro se 59(e) to amend Mr. Walters motion dated 1st Oct 2018, to protect the unprotected issues and evidence. See motion to amend 59(e) at App. P.975-1016. Respectfully submitted that the respondent's motion should fail.

Respectfully submitted,



ANDRA B. JAMISON
Petitioner



MARK A. IRBY JR.
Notary Public, State of South Carolina
My Commission Expires
12/20/2026

CERTIFICATE OF SERVICE

I hereby certify that I Andra B. Jamison on this 26th day of March 2020, have served a copy of petitioner's motion to strike pro se appendix herein, and certificate of service on all parties to this matter by depositing the same in the United States mail, via Anderson County Jail mail with prepaid postage property affix and address to addressees below.

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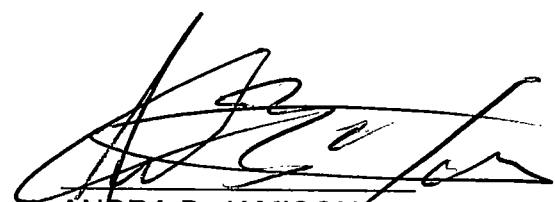
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