

no. 2020-000019

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APR 01 2020

SC Court of Appeals

SOUTH CAROLINA COURT OF APPELLALS

JAMES A. BROWN,

petitioner,

-v-

STATE OF SOUTH CAROLINA

Respondent,

---

PETITION FOR WRIT OF CERTIORARI  
TO SOUTH CAROLINA COURT OF APPEALS

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PETITION FOR REHEARING

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JAMES A. BROWN  
PERRY CORRECTIONAL INSTITUTION  
430 OAKLAWN Road/q4B-110  
pelzer, s.c. 29669

The petitioner JAMES A. BROWN, pro se, pursuant to court RULE 44 do hereby petition the Honorable court for a rehearing of its order denying of motion to proceed in forma pauperis and to the failure to comply with the order granted by judge Kelly, leave to proceed in forma pauperis as well as your leave to proceed without payment of service cost. see exhibit (A) ORDER, UNDER LEXINGTON COUNTY, 442 S.E. 2d 589, 594 (1994) also see AKE V. OAKLOHMA, 470 U.S. 68 (1985)

#### REASON TO GRANT A REHEARING

This Court has resolved by implication and has unequivocally decided that a state cannot (1) employ inconsistent procedural rules to excuse its violation of a criminal defendant's state and federal constitutional rights, (2) knowingly use perjured testimony to convict a criminal defendant, (3) convict a defendant on unindicted criminal offenses in violation of state's statutory and constitutional laws protected under the fourteenth amendment to U.S. and state's constitution and (4) uphold a defendant's conviction where there is clear and convincing evidence of his innocence by the state on omission and admitted that there was no term of court in their order on the defendant's for a indicted

This Court has held that regards for the requirement of Due process Clause inescapably imposes upon this court an exercise of judgment upon the whole course of a petitioner's criminal proceeding in order to ascertain whether the alleged violations by the state offend those canons of decency and fairness which express the notion of justice of all U.S. citizens in this county,

The Sixth and Fourteenth Amendment right to a fair trial Specifically applies to the right of the accused, not those of the state. Consequently, in view of the undisputed constitutional violations by the state in petitioner's case, this Court's denial of the motion to proceed in forma pauperis that was granted by judge Kelly to leave to proceed in forma pauperis to proceed without payment of service cost. has by implication, granted the right of a fair trial to the state instead of the accused.

Finally, petitioner submits that his writ of certiorari clearly shows that the state does not deny its commission of the alleged violations presented by the writ, but rather it has relied on inconsistently procedural to evade its outrageous conduct. Petitioner thus submits that if the state's malfeasance is not outrageous enough to warrant a review by this court, then there is no malfeasance by the state egregious enough to warrant a review by this Court.

#### CONCLUSION

WHEREFORE, FOR THE foregoing reason, this Honorable Court should grant a rehearing to preserve all criminal defendant's rights to a fair trial in the state of south carolina.

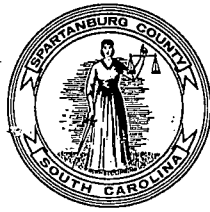
this March day of 30 2020.

  
JAMES A. BROWN #282981

pro se

# Spartanburg County

Spartanburg County Court House  
180 Magnolia Street  
P. O Box 3483  
Spartanburg, SC 29304-3483



Phone (864) 596-2591  
Fax (864) 596-2259

**M. Hope Blackley**  
Clerk of Court

**Gail Moffitt**  
Assistant Clerk of Court

April 9, 2018

James Brown,

Enclosed please find a copy of your Motion and Affidavit to Proceed In Forma Pauperis.

Judge Kelly has **granted** your leave to proceed in forma pauperis as well as your leave to proceed without payment of service cost.

I do hope this is of some assistance to you. For further assistance you may contact our office at the phone number listed above Monday thru Friday 8:30am to 5:00pm. Have a wonderful day.

A handwritten signature in cursive script, appearing to read "A. Miller", is written over a horizontal line.

A. Miller  
Deputy Clerk  
Spartanburg County Clerk of Court

EXHIBIT (A)

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JAMES A. BROWN,

PETITIONER,

SC Court of Appeals

v.

STATE OF SOUTH CAROLINA

RESPONDENT,

---

PROOF OF SERVICE

---

I, JAMES A. BROWN, do hereby swear or declare that on this date march 30, 2020. as required by Supreme court rule 29, have served the enclosed petition for rehearing upon Respondent's Counsel by depositing and envelopes containing the above document in the U.S. Mail, properly addressed to; Harley Littleton Kirkland eq and Thomas C. Hunter, eq, Assistant Attorney General, p. o. box 11549. Columbia, s.c. 29211

I declare under penalty that the foregoing is true and correct. Executed on march 30, 2020.

1s/ James Brown

James a. brown#282981  
perry correctional inst.  
430 oaklawn road q4b/110  
pelzer, s.c. 29669

march 30, 2020.

THE South carolina court of Appeals  
jenny Abbott kitchings, clerk  
post office box 11629  
columbia, s.c.29211

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SC Court of Appeals

RE: PETITION FOR Rehearing  
brown v. state  
APPELLATE CASE NO. 2020-000019

ENClosed please find my original petition for  
Rehearing, and proof of service of same for filing with  
your office.

sincerely, your.

James Brown  
james a. brown#292881  
perry correctional inst.  
430 oaklawn road g4b/110  
pelzer, s.c. 29669

cc; respondent's attorney

Harley L Kirkland, eq  
Thomas P Hunter, eq  
file

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MAR 30 2020

RC.I. MAILROOM

James A. Brown #182981  
Perry Correctional Inst.  
430 Oaklawn Road  
D4B/110  
Pelzer, S.C. 29669

South Carolina Court of Appeals

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Benny ARBOTT Kitchens, Clerk

Post Office BOX 11629

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Columbia, S.C. 29211

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COMMISSARY