

The Honorable Jenny Abbott Kitchin
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

Date: 6/20/20

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JUN 26 2020

RE: Gavin v. Jones v. State of South Carolina SC Court of Appeals
States Return to Petitioners letter

Dear Ms Kitchin,

The Respondent wrote in their Return Just Filed, Number (7) The undersigned believes any confusion between the Filings dates of Respondent's return to Petitioners motion to alter or amend the Judgement and Judge Maddox's order denying Petitioners motion is the innocent consequence of multiple, related documents being mailed and filed by different people on different dates from different locations within the state.

IF this Court believes 1-6 then there is no need for Respondent to make the statement in (7). Because the issue is that Appellant was never served the Return to the 59(E) Filed in the lower court. Because there was no Return filed with the lower court. Maybe the Respondent believed it was moot to do so since Judge Maddox had already denied the 59(E) motion. Which is why the Respondent wrote in his cover letter mailed May 16, 2018 in the last sentence "with this letter, we are closing our file in this matter." So if they were closing their file on this matter, what reason did they have to mail me a copy of the Return? I had already been denied by Judge Maddox. So then there was no reason to send a Return to the lower court, Judge Maddox had already denied the 59(E) motion.

(2)

The "IMPROPRIETY" that Appellate is speaking of Fraud that Respondent committed was from Appellants view the fact Appellant has no record of being served a Return to the s9(E) he filed in the Lower Court. And that the State attempted to slip it in the record of Appeal. Knowing it was never served to Appellant. So how would there be confusion if the Respondent filed or served Appellant a copy. Because the issue is, there is no record of Appellant receiving a Return.

Before I so further let me clarify something that the State has attempted to twist. I did not say that Covid 19 SCDC Restrictions has prevented me from bringing this issue before now. I said it has prevented me now from bringing this fraud before you properly according to the Rules because I have no access to the Law Library. I also said because of the inherited trust I had toward the State I never thought they would try to commit fraud such as this, in this Court so I did not notice this at first. If I let a friend into my home when I am not there and I found out a month later he stole my tools. Does this mean I should let him keep the tools because I did not notice they was missing at first? Whether I notice it now or later its still Fraud and my letter to the Court was asking that this Court take Judicial notice of this openly Disrespect to the Court and the Proceedings. I know that I am not a trained attorney. Does that mean that its alright for the Respondent to take advantage of that. All I have ask for is a fair Proceedings. Here is one last point that should clarify this. On the bottom of Page 6 of 7 of the States Return to the s9(E) motion. The Respondent said that the Appellant had 10 days to respond to the Order of Dismissal with a s9(E)

Verified by mailing certificate, the Attorney General was served March 1, 2018 and Appellant also mailed out another copy on March 5, 2018. So I will ask this Court how many days did the Respondent have to respond to the 59(E) with a Return? Surely it wasn't two months.

Clearly this Court can see what was done, and now the Respondent is still trying to lie and twist my words.

I am NOT above admitting when I have made a mistake, but I see that I have made NO mistake. Attorney Kelly Oppenheimer who was the Attorney General on the case at that time felt that there was no need to do a Return to the 59(E) since Judge Maddox had already dismissed it before she supposedly finished her return. However Attorney General Taylor Zanic Smith realized that in his final brief he was arguing issues in the Court of Appeals that he never argued below, specifically the issue regarding Appellate's 2017 Amendment so he decided to see if he could set it into the record that a Return was done in this case toward Appellate's 59(E) when it was not. Also he is trying to get this Court to rule on Laches and it was never ruled on below.

All around the world they are saying "Black lives matter. But what matters more is that men and women do the right things in these positions of Trust. Not looking the other way when they know something is being done wrong. People automatically trust that a State Attorney will do the right things, that a Judge will do the right things. But when they don't we should not cover for them. We should hold them accountable because when you don't,

It makes the whole organization seem corrupt. Just like people are saying most Police are bad. That is a lie, but it looks that way when co-workers, people in respectable positions do not hold these people accountable. The Respondent Response to the letter written by Appellant. Only convinces me more that it was not a mistake. Maybe they are asking this Court to turn a blind eye. I humbly thank this Court for not allowing the Respondent to take advantage of my poverty, to commit misconduct that can be clearly seen.

Respectfully
Submitted

C.C. Taylor Zanic Smith
ASST. ATTORNEY GENERAL
Life Point Ministries
Jamie Harris

CAVIN V. JONES
CAVIN V. JONES #259726
TYGER RIVER CORR. U-2 A-212
200 PRISON ROAD
ENOCCA S.C. 29335

Mr. CAVIN V. Jones #255724
Tyger River Cir U-2 A-212
200 Prunus Road
Euree S.C. 29535

TYGER MAILROOM

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SC Court of Appeals

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Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina

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