

**The State of South Carolina**  
**In the Court of Appeals**  
**In The Supreme Court of South Carolina**

**RECEIVED**  
DEC 29 2020  
S.C. SUPREME COURT

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**Appeal from Beaufort County**  
**Court of Common Pleas**  
**In the Fourteenth Judicial Circuit**  
**D.L. Jefferson, Circuit Court Judge**  
**Lower Case No. 2020-CP-07-00741**

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**Appellate Case No. 2020-001593**

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Appellant now comes before this honorable Court and prays that his explanation is sufficient in order for this Court to grant his appeal. Appellant is aware that successive PCR applications are disfavored and applicant has the burden to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. §17-27-90 Arnold v. State, 309 S.C. 157 420 S.E.2d 834 (1992). "This statute forbids a successive PCR application unless an applicant can point to a 'sufficient reason' why the new grounds for relief he asserts were not raised, or were not raised properly" Aice v. State, 305 S.C. 448, 409 S.E.2d 392, 393-94 (1991).

Applicant also notes that there are some exceptions to this rule. Successive applications have been permitted in cases involving unique factual circumstances. Cf. Carter v. State, 293 S.C. 528 362 S.E.2d 20 (1987).

Appellant has had no formal training or experience in regards to practicing law, nor would it be openly known to him that this particular law was in fact invalid. Furthermore, appellant first discovered that the 1993 Bill was unconstitutional through other inmates here at Perry Corr. Inst. and then did an independent investigation with a Mr. Steven Tuttle at Archives and History to confirm this issue of the Great Seal. (see attached exhibits)

The applicant is entitled to due process of law and trial counsel had an obligation to advise the applicant about the unconstitutional Bill.

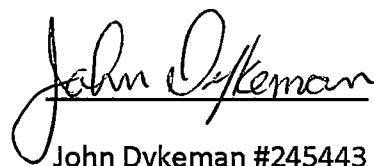
Appellant has made claims in his previous PCR application of ineffective assistance of appellate counsel where by Counsel's own admission that he knowingly raised an issue that was not preserved and thereby not reviewable by the appellate court and further denied applicant his "first bite" at the apple.

It is also apparent that counsel was also unaware that said Bill was unconstitutional and he has had formal training and education and is a practicing member of the bar of this state.

## Conclusion

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That this honorable Court accept his explanation and remand this case back to the lower court and to have counsel appointed to represent his interests in this matter.



John Dykeman #245443

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