

THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

RE: SHANNON LANCASTER V. STATE

JUN 28 2021

APPELLATE CASE NO.

S.C. SUPREME COURT

243(C) WRITTEN EXPLANATION

THIS WRITTEN EXPLANATION IS PURSUANT TO SCACR, 243(C) BY THE PETITIONER AND FILED WITHIN THE TWENTY DAYS WITH THIS COURT. THE PETITIONER OBJECTS THAT THE GREAT SEAL EVIDENCE WAS DISCOVERED PRIOR TO THE ENTRY OF THE GUILTY PLEA. CONDITIONAL ORDER PAGE 10 PARAGRAPH 1. SEE EXHIBIT 1 , THAT WAS SUBMITTED TO THE PCR COURT ON MAY 5, 2020, AND THE EXHIBIT SHOWS THAT THE PETITIONER DISCOVERED THE MISSING SEAL AFTER THE GUILTY PLEA. THE RESPONDENT ALLEGES THAT, THE UNIFORM POST CONVICTION PROCEDURE ACT PROVIDES; A PERSON MAY INSTITUTE A PCR ACTION IF "THERE EXIST EVIDENCE OF MATERIAL FACTS, NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE. S.C. CODE §17-27-29(A)(4) ALSO, IF THE APPLICANT CONTENDS THERE IS EVIDENCE OF MATERIAL FACT NOT PREVIOUSLY PRESENTED, AND THEN PCR APPLICATION MUST BE FILED WITHIN ONE YEAR AFTER THE DATE WHEN THE FACTS COULD HAVE BEEN ASCERTAINED BY THE EXERCISE OF REASONABLE DILIGENCE. S.C. CODE ANN. 17-27-45(C). PETITIONER SUBMITTED TO THE PCR COURT IN HIS OBJECTION TO THE CONDITIONAL ORDER OF DISMISSAL SECTION 17-27-45 (C), AND THAT PETITIONER HAD ONE YEAR TO FILE HIS APPLICATION, AND THE PETITIONER ALLEGES SINCE THE GREAT SEAL IS NOT AFFIXED TO THE 1993 ACT NO.184, THE ACT FOR WHICH

APPLICANT WAS SENTENCED FOR DRUG TRAFFICKING, (EXHIBIT 1)
THE APPLICANT REQUEST A HEARING ON THIS MATTER. THE PETITIONER
NOTES §17-27-45(C) DOES NOT MENTION WHEN THIS MATTER HAS GOT
TO BE MENTIONED, AT A HEARING OR IN THE APPLICATION.

THE ISSUE BEFORE THIS COURT IS INEFFECTIVE ASSISTANCE OF
COUNSEL FOR FAILURE TO DO REASONABLE INVESTIGATION OF WHETHER
THE GREAT SEAL OF THE STATE WAS AFFIXED TO THE 1993 ACT FOR
THE PUNISHMENT FOR DRUG TRAFFICKING WHICH GAVE ME A 85% PERCENT
NO PAROLEABLE SENENCE TO SERVE. NO PART OF A DRUG TRAFFICKING
CONVICTION CAN BE SUSPENDED OR PROBATION GRANTED. SEE STATUTE
FOR PUNISHMENT FOR DRUG TRAFFICKING.

THE PETITIONER'S ACKNOWLEDGMENT OF NEWLY DISCOVERED EVIDENCE
IS A LEGITIMATE CLAIM TO THIS COURT. THE RESPONDENT ADMITS IT
DOES APPEAR THE GREAT SEAL WAS NOT AFFIXED TO THE 1993 ACT NO.184
THE ACT FOR WHICH APPLICANT WAS SENTENCED FOR DRUG TRAFFICKING.
SEE (EXHIBIT 1) THIS ALONE CREATES A GENUINE ISSUE OF MATERIAL
FACT WHETHER COUNSEL WAS INEFFECTIVE FOR FAILURE TO DO A
REASONABLE INVESTIGATION OF WHETHER THE GREAT SEAL OF THE STATE
WAS AFFIXED TO THE 1993 ACT FOR DRUG TRAFFICKING.

THE RESPONDENT ALLEGES SMITH V. JENNINGS, 45 S.E. 821,824
(1903), MEDICAL SOC. OF SOUTH CAROLINA V. MEDICAL UNV. OF SOUTH
CAROLINA, 513 S.E.2d 352,356 (1999); BEAUFORT COUNTY V. JASPER
COUNTY, 68 S.E.2d 421,430 (1951) AND STATE V. TOWN COUNCIL OF
CHESTER, 17 S.E.2d 752,755 (1893) AND MORE..... (WHEN THE BILL...
IS DEPOSITED IN THE DEPARTMENT OF STATE, ACCORDING TO LAW, ITS
AUTHENTICATION AS A BILL THAT HAS PASSED CONGRESS IS COMPLETE

AND UNIMPEACHABLE).

THE QUESTION SHOULD BE, WHAT IS THE LEGAL EFFECT UPON AN ACT'S VALIDITY WHEN THE SOUTH CAROLINA CONSTITUTION ARTICLE III, SECTION 18, IS NOT COMPLIED WITH. IN THIS INSTANCE THE SECRETARY OF THE STATE HAS FAILED TO AFFIX THE GREAT SEAL OF STATE UPON A NUMBER OF ACTS. OUR COURTS HAVE YET TO ADDRESS THIS QUESTION DIRECTLY, AND SO THERE IS A GENUINE ISSUE OF MATERIAL FACT AS WHETHER AN ACT IS VALID WITHOUT THE GREAT SEAL AFFIXED TO IT.

ALSO, THE PETITIONER OBJECTS TO THESE CITING OF CASES BY RELYING ON STATE V. LONG, 753 S.E.2d 425 (2014). FURTHER, WHEN THIS COURT IS CALLED TO INTERPRET OUR CONSTITUTION IT IS GUIDED BY THE PRICIPLE THAT BOTH THE CITIZEN AND THE GENERAL ASSEMBLY HAVE WORKED TO CREATE THE GOVERNING LAW. SEE MILLER V. FARY, 133 S.E.2d 835,841 (1963) (NOTING THE CONSTITUTION IS CONSTRUED IN THE LIGHT OF ITS FRAMERS AND THE PEOPLE WHO ADOPTED IT). THE COURT WILL LOOK AT THE ORDINARY AND POPULAR MEANING OF THE WORDS USED.

FUTHERMORE, THE PETITIONER ALLEGES ITS SUPPORT OF HIS CLAIM OF NEWLY DISCOVERED EVIDENCE, ARTICLE III, SECTION 18 OF THE SOUTH CAROLINA CONSTITUTION, "NO BILL OR JOINT RESOLUTION SHALL HAVE THE FORCE OF LAW UNTIL IT SHALL HAVE BEEN READ THREE AND ON THREE SEVERAL DAYS IN EACH HOUSE, HAS HAD THE GREAT SEAL OF THE STATE AFFIXED TO IT..... "THERE IS ENOUGH EVIDENCE TO HAVE AN HEARING PURSANT TO HYMAN V. STATE, 723 S.E.2d 375,379 (2012). THE PETITIONER HAS PROVED AND PROVIDED ACTUAL DISCOVERY

AND THE REpondent ADMITTED THE GREAT SEAL WAS NOT AFFIXED TO
TO THE 1993 ACT NO.184, THE ACT WHICH THE PETITIONER WAS
SENTENCED FOR DRUG TRAFFICKING.

"CONCLUSION"

THEREFORE, THE PETITIONER PREYS FOR A HEARING ON THIS
MATTER.

DATED: 6-24-21

s/ Shannon Lancaster
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