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JUL 16 2021

In The Supreme Court
The State of South Carolina

S.C. SUPREME COURT

Tammy R. Jones 283271

Appellant

vs

State of South Carolina

Respondent

Case# 2019-CP-42-00107

Notice of Intent To Appeal

The Appellant, Pro Se, hereby notifies the Court and Counsel for the Respondent, of her intent to appeal the decision of the Honorable R. Keith Kelly, for the Court of Common Pleas, 7th Judicial Circuit, dated June 18-2021 wherein he issued the Final Order of Dismissal of Appellants Post Conviction Relief Application filed on January 9-2019. Appellant believes she has new evidence learned while working on the law library at Leath Correctional which she simply did not have previously at any time Pursuant to (John Curtis McCoy v State of South Carolina 401 S.C. 363 (2013)) "when considering the state's motion for summary dismissal... the Judge must assume facts presented by applicant are true and view those facts in the light most favorable to the applicant" Further, in McCoy, it was determined that the "one year limitations period governing application for post conviction relief based on dependents claim he was deprived of right to trial by impartial jury

began to run when he discovered basis for claim."

Appellant, in this case filed her PCR in 2019, as soon as

she learned that a jury instruction under SC's "hand of one is the hand of all" theory of accomplice liability

was totally inappropriate and did not apply in her case.

Appellant believes the jury would have rendered a different verdict without such improper instruction. All of these

constitute a cause for an evidentiary hearing and further investigation into the matter and are all a complete bar

to the doctrine of laches, failure to file a timely manner, within the stature of limitations, and to respondent's

claim applicants PCR was successive.

Respectfully Submitted,

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