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SEP 27 2021
SC Court of Appeals

The State of South Carolina
IN the South Carolina Court of Appeals
APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS

Hon. Eugene C. Griffith, Circuit Court Judge
Appellate Case No: 2020-001619

HERMAN BELTON ————— Petitioner
State of South Carolina ————— Respondent(s)

Reply Brief

DATE: Sept. 22, 2021

HERMAN BELTON, 756396
Goodman Corr. Inst.,
4556 Broad River Rd
Columbia, SC 29210

Questions Presented

I. Did the P.C.R. Court ERR when it failed to MAKE A FINDING OF FACT AND CONCLUSION OF LAW ON ALL ISSUES THAT WAS RAISED AT THE P.C.R. HEARING?

II Should this Petition be GRANTED?

Did the P.C.R. Court ERR when it failed to MAKE A FINDING OF FACT AND CONCLUSION OF LAW ON ALL ISSUES THAT WAS RAISED AT THE P.C.R. HEARING?

S.L. CODE ANNOT 17-27-80 states "It is the court(s) duty to MAKE SPECIFIC FINDING OF FACT AND STATE EXPRESSLY IT'S CONCLUSION OF LAW RELATING TO EACH ISSUE PRESENTED."

Respondent(s) in their RETURN TO PETITIONER(S) PETITION FOR WRIT OF CERTIORARI, APPELLATE CASE NO. 2011-204374 APPX. PAGE 152, STATES "THE P.C.R. JUDGE DID NOT MAKE A RULING ON THE ALLEGATIONS NOW BEFORE THE COURT."

THE PETITIONER RAISED SEVERAL CLAIMS FOR RELIEF IN HIS P.C.R. APPLICATION AND AT THE HEARING. THE P.C.R. COURT DID NOT ADDRESS ALL OF PETITIONER(S) CLAIMS. SEE APPX. PAGE 126 P.C.R. COURT(S) ORDER.

At the P.C.R. HEARING ON THE RECORD PAGE 72 - L-13-15, PETITIONER REQUESTED THAT THE COUNSEL FILE A 59(E) MOTION TO ADDRESS ALL ISSUES. COUNSEL PROMISED HE WOULD FILE THE MOTION AND HE SAID HE WOULD ADDRESS HIS CLAIMS. COUNSEL NEVER FILED THE MOTION AND THE COURT FAILED TO RULE ON ALL CLAIMS RAISED.

PETITIONER REQUESTED AND WAS DENIED THE OPPORTUNITY TO SEEK APPELLATE REVIEW ON ALL OF HIS CLAIMS. PETITIONER DID NOT KNOWINGLY OR BY ANY REASON WAIVE THAT RIGHT.

THE RESPONDENT(S) HAVE NEVER DENIED THAT THE COURT FAILED TO ADDRESS ALL THE CLAIMS THAT WAS RAISED.

Why This Petition should be GRANTED:

The Petitioner is entitled to Relief under S.C.R.C.P. Rule 60(b)(4) because the order is void AS A MATTER OF LAW. S.L. Code Ann 17-27-80 is CLEAR! It is not new. Petitioner, as stated in the statement of the case has been in the court(s) from 2011 until today. Petitioner requested and was denied a 59(c) motion.

EXTRAORDINARY ACTION OF REMANDING PETITIONER(S) APPLICATION IS WARRANTED SEE. SIMMONS V. STATE 788 S.E.2d 220, Fishburne V. STATE 832 S.E.2d 584, Reese V. STATE 820 S.E.2d 376. Petitioner has procedural and substantive due process rights under the Federal and State Constitution that will be protected by REMANDING THE APPLICATION.

Conclusion

Looking at the claims not addressed AND REMEMBERING THAT THIS IS "NOT A GUILTY PLEA," ONE CAN SEE WHY THERE MUST BE A REMAND. PETITIONER MUST BE AFFORDED HIS "ONE COMPLETE BITE OF THE APPLE," TO DATE HE HAS BEEN DENIED THAT BITE. PETITIONER PRAY(S) THAT THIS COURT WILL REMAND THIS APPLICATION FOR AN ORDER THAT IS CONSISTENT WITH THE STATUTE.

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CERTIORARI TO ANDERSON COUNTY
Hon. Eugene C. Griffith, Circuit Court Judge

HERMAN BELTON ————— PETITIONER

STATE OF SOUTH CAROLINA ————— RESPONDENT(S)

APPELLATE CASE NO. 2020-001619

CERTIFICATE OF SERVICE

I, HERMAN BELTON CERTIFY THAT A TRUE COPY
OF REPLY BRIEF HAVE BEEN MAILED TO THE
PARTY(S) LISTED BELOW BY U.S. MAIL THIS 22ND
DAY OF SEPTEMBER, 2021.

TAYLOR Z. SMITH, AAG
P.O. BOX 11549
COLUMBIA, SC 29211

CLERK, S.C. COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, SC 29211

Herman Belton #256396
HERMAN BELTON #256396
GOODMAN CORR. INST.,
4556 BROAD RIVER RD.
COLUMBIA, SC 29210

DATE: Sept. 22, 2021

CC: FILE

HERMAN BELTON #256396
GOODMAN LORR. INST, B3-40B
4556 BROAD RIVER RD.
COLUMBIA, SC 29210



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South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

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