

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS
FOR THE 11TH JUDICIAL CIRCUIT
WILLIAM A. MCKINNON PRESIDING JUDGE

APPELLATE COURT CASE NO. 2019-000031

ANDRA B JAMISON
PRO SE LITIGANT

PETITIONER

STATE OF SOUTH CAROLINA

RESPONDENT

REPLY TO STATE'S RETURN
TO PETITIONER'S MOTION TO
AMEND THE AMENDED PETITION OF
WRIT OF CERTIORARI

PETITIONER RESPECTFULLY SUBMITS TO THE COURT THAT HE IS NOT A LAWYER, BUT A LAYMAN OF THE LAW OF LAW AND HAS BEEN FIGHTING HIS CASE SINCE CONVICTION OCT. 15 2009 SOME 12 YRS AGO MAINTAINING HIS INNOCENCE, NOT UNTIL SEPT. 15, 2021 IT BECAME CLEAR WHEN MY THEN ROOMMATE AND I WAS DISCUSSING THE LAW OF MY CASE AS I ROUTINELY DID WITH FELLOW INMATES SEEKING RELIEF FROM THEIR CASES. IT WAS THEN WHEN I REALIZED THAT THE LAW IN MY CASE HAD NOT BEEN EFFECTIVELY EXPLAINED TO ME BY PRIOR ATTORNEYS. MY ROOMMATE CONVINCED ME THAT I HAD A ACTUAL INNOCENCE CLAIM RESULTING IN MISARRIALIE OF JUSTICE.

REBUTTAL

PETITIONER WOULD DISAGREE WITH THE STATE ON THE TIMELINESS OF THIS ISSUE OF ACTUAL INNOCENCE; DUE TO THERE BEING EVIDENCE SO STRONG AND/OR A LACK THERE OF THAT THE COURT CAN NOT HAVE CONFIDENCE IN THE OUTCOME OF THE TRIAL BECAUSE THE TRIAL WAS NOT FREE OF NON-HARMLESS CONSTITUTIONAL ERROR WHICH AS A RESULT COULD AMOUNT TO THE MISCARriage OF JUSTICE.

PETITIONER WOULD ALSO DISAGREE WITH THE STATE THE ACTUAL INNOCENCE CLAIM RESULTING IN THE MISCARriage OF JUSTICE WAS NOT COGNIZABLE OR MENTIONED AT THE LOWER COURT LEVEL; BUT TO THE CONTRARY THE PETITIONER HAS MAINTAINED HIS INNOCENCE SINCE DAY 1. SEE (AMENDED APPENDIX P. 149 L. 6, 7) THE COURT EXPLAIN TO THE JURY "THE DEFENDANT (PETITIONER) HAS PLED NOT GUILTY TO THIS INDICTMENT."

PETITIONER CONTENTS INSUFFICIENT EVIDENCE ON DIRECT APPEAL FOR STATE TO GUILT BEYOND A REASONABLE DOUBT. SEE STATEMENT ON APPEAL (AMENDED APPENDIX P. 827) ALSO SEE ISSUE 1 OF THE AMENDED PETITION OF WRIT OF CERTIORARI, AND THE REPLY BRIEF TO THE STATE'S RETURN TO THE WRIT OF CERTIORARI.


ON DIRECT APPEAL THE COURT RULED THAT THE STATE DENIED THE PETITIONER A REASONABLE OPPORTUNITY TO OBTAIN TESTING OF HIS OWN BLOOD SAMPLE, A CONSTITUTIONAL VIOLATION SEE RULING (AMENDED APPENDIX P. 131D), AND THE TRIAL COURT ERRED IN ADMITTING THE RESULTS OF TESTING THE STATE PERFORMED ON IT'S SAMPLE OF PETITIONER'S BLOOD. SEE (AMENDED APPENDIX P. 131O) CLEARLY THE PETITIONER WAS AT A DISADVANTAGE BEING DEPRIVED THE VERY EVIDENCE (INDEPENDENT BLOOD TEST) AFFORDED BY STATUTE (§56-5-2946-50) IN ORDER TO HAVE A BALANCED SCALE FOR A FAIR AND IMPARTIAL TRIAL, THE STATE TOOK AWAY ANY CHANCE OF THE PETITIONER ANSWERING OR DEFENDING HIMSELF AGAINST

THE STATE'S HIGHLY PREJUDICIAL ERRONEOUSLY ADMITTED BLOOD TEST RESULTS AS PER STATUTE (§56-5-2946-50) INTENDED,

AFTER THE STATE VIOLATED STATUTE (§56-5-2946-50) THE STATE'S BLOOD TEST RESULTS MUST BE SUPPRESSED LEAVING THE INSTANT CASE WITHOUT ANY CONCLUSIVE PROOF OF THE PETITIONER TOOK A DRINK OF ALCOHOL ANY TIME PRIOR TO THE ACCIDENT. DEMONSTRATING THAT THE STATE FAILS IT'S DUTY TO PROVE ALL ELEMENTS OF THE INDICTMENT.

CONCLUSION

FOR THE REASONS STATED ABOVE THE PETITIONER RESPECTFULLY ASK THIS COURT TO GRANT THIS MOTION DUE TO THE PETITIONER BEING ACTUALLY INNOCENT AND THE CONVICTION WAS GAINED THROUGH A MIS-CARRIAGE OF JUSTICE.


ANDREA B JAMISON # 337461
GOODMAN B2-113
4556 BROAD RIVER RD
COLUMBIA SC 29210
1 NOV. 2021

CERTIFICATE OF SERVICE

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SC Court of Appeals

I ANDRA B JAMISON #337461 PRO SE LITIGANT

DO CERTIFY THAT I HAVE ON THIS DAY 1ST OF NOV. 2021
PLACED A COPY OF A REPLY TO STATE'S RETURN TO PETITIONER'S
MOTION TO AMEND THE AMENDED PETITION OF WRIT OF CERT.
IN THE US POSTAL SERVICE POSTAGE PAID ADDRESSED TO THE
ADDRESSEES LISTED BELOW

ADDRESSEES

ADAM RUFFIN
APPELLANT DEFENDER
P.O. Box 11589
Columbia SC 29211


ANDRA B. JAMISON #337461
CROSSMAN B2-113
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~~1 OCT 2021~~

1 NOV, 2021

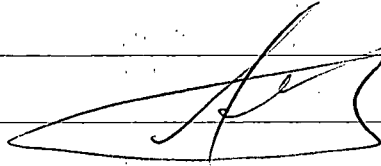
A TORNEY GEN OFFICE
ATTN LILLIAN L. MEADOWS
P.O. Box 11549
Columbia SC 29211

JENNY ABIBOT KITCHINGS CLERK
SC COURT OF APPEALS
P.O. Box 11629
COLUMBIA SC. 29211

NOV 1, 2021

DEAR CLERK

PLEASE SEND ME A
COPY OF THIS REPLY
I HAVE ADDED A
SELF ADDRESSED ENVELOPE
FOR YOUR CONVENIENCE

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a surname that is partially obscured by a horizontal line.

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SC Court of Appeals

Andra B. Jamison # 337461
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Lenny ABBOT KITCHINGS, CLERK
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