

Nov. 3, 2021

Jerry M. Galbreath v State of S.C.
Case No. 2021-001225

RECEIVED

NOV 12 2021

S.C. SUPREME COURT

Dear Clerk of Court Patricia A. Howard

I'm sending the paperwork to show I Filed within 1 year.

And I'm also send paper work where the state was almost a year late sending its return.

Covid was hitting our Prison hard during this time our dorm was locked down mostly everything was. But as you see I got my work done.

The attorney for the state told the judge I was doing 85% during the time he sentence me the judge sentence me to a term sentence of 30 years.

In the newly discovered evidence of the letter I sent said I was to be doing 85%.
Const. Art 18/18, Art 5. § 5 code 1976 § 17-27-20(b)

Jerry M Galbreath

Paul Kern C Thank you so much
Jerry Galbreath
Dec. 10, 2021

FORM 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF Oconee)
)
Jerry M. Galbreath #131740)
Full name and prison number (if any) of Applicant.)

IN THE COURT OF COMMON PLEAS

FILED
CLERK OF COURT
2020 JUL - 8 PM 4:19
OCONEE COUNTY, SC

v.)
)
State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

2020-CP 37.423

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Tyger River H-6 - Rm 44A Enoree SC 29335
2. Name and location of Court which imposed sentence Circuit Court Walthalla, Oconee SC
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2003-37-0386 - Murder
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 5-29-03 - 30 years

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NOV 12 2021

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
 _____ yes _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. SC Court of Appeals _____
- ii. Supreme Court S.C. _____
- iii. U.S. Supreme Court _____
- (b) the result in each such Court to which you appealed:
- i. no _____
- ii. no _____
- iii. no answer _____
- (c) the date of each such result:
- i. May 23-2005 _____
- ii. Feb 14 2007 _____
- iii. — _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Oct 20-2005 _____
- ii. Feb 14 2007 _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Already dismissed evidence _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Newly Discovered Evidence
- (b) _____
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Letter From ATTY. General Alan Wilson to Bryan P.
- (b) Starling - 24-13-150A Dated 6-28-2019 Exhibit-1
- (c) Exhibit-2
- (d) Exhibit New ruling Dated July 31-2019. Burdet New state (2790 opinion)

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? yes
- (d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. Sending Attachment
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. Attachment
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. Attachment
 - iii. _____

- iv. _____
- (d) the date of each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____

- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Did not know Dept of Corr. was wrong.
- (b) Filed before Belcher
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? To Dept of Corr in (2004)
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. Carber Sires Seneca SC
- ii. Danny Day Walkella
- iii. Robert Dudek Lenella Carter Durant Columbia

(b) the proceedings at which each such attorney represented you:

- i. Trial
- ii. RR
- iii. Supreme Court
Court of Appeals

19. State clearly the relief you seek in filing this application:

Reduction of sentence

20. Are you now under sentence from any other court that you have not challenged?

STATE OF SOUTH CAROLINA)

County of)

VERIFICATION

2020-C.P. 37.423

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jerry Galbreath

SWORN to and subscribed before me this 28th
day of June, 2020.

Bob [Signature] (L.S.)
Notary Public

My Commission Expires: Oct 19, 2024

2020 JUL - 8 PM 4:49
RECEIVED
CLERK OF COURT

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

2020. CP. 37. 423

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Jerry Galbreath
Applicant

SWORN or affirmed to and subscribed before me this

24th day of JUNE, 2020

Sal Deane Cur
Notary Public

My Commission Expires: Oct. 10, 2024

2020 JUL -8 PM 4:49
RECEIVED
GENERAL CLERK
CLERK OF COURT

Exhibit-1



ALAN WILSON
ATTORNEY GENERAL

June 28, 2019

Mr. Bryan P. Stirling, Director
South Carolina Department of Corrections
P.O. Box 21787
Columbia, SC 29221-1787

Dear Director Stirling:

You seek our opinion "regarding whether certain high-level drug trafficking offenses should be treated as 'day-for-day' offenses" or instead are subject to the "eighty-five percent" rule. You specify numerous such statutes at issue, including §§ 44-53-370(e)(1)(d), -370(e)(2)(a)(3), -370(e)(2)(b)(3), -370(e)(2)(e), -370(e)(3)(a)(2), -370(e)(4)(d), -370(e)(5)(a)(3), -370(e)(5)(b)(3), -370(e)(6)(d), -370(e)(8)(a)(iii), -370(e)(8)(b)(iii), and § 44-53-375(C)(1)(c), -375(C)(2)(c), -375(C)(5), -375(E)(1)(a)(iii), -375(E)(1)(b)(iii), -375(E)(1)(e). By way of background, you note:

[a]ll of these statutory subsections refer to a "mandatory minimum term of imprisonment" of twenty five years or "at least" twenty-five years. The Department of Corrections has long interpreted this language to mean a "day-for-day" term of imprisonment, meaning an inmate sentenced under these provisions serves every single day of the sentence with no good time, work, or education credits to reduce the service time. Notably, the Department has advanced this position in both the Administrative Law Court and in the South Carolina Court of Appeals, and its interpretation has been affirmed in unpublished decisions on every occasion.

However, it has come to our attention that this issue arose in a recent post-conviction relief case (Charlie Ellis Cutshaw, Jr. v. State) and an argument contrary to the Department's position was made. Therefore, the Department of Corrections respectfully requests that your Office issue an opinion regarding how these drug trafficking sentences should be treated under the law.

It is our opinion that a court would likely conclude that the enactment of § 24-13-150(A) – requiring an inmate convicted of a "no parole offense" to serve at least eighty-five percent of his sentence before being eligible for community service – is controlling with respect to the mandatory minimum twenty-five year drug trafficking statutes enumerated in your letter.

EXHIBIT-1

Mr. Bryan P. Stirling, Director
Page 2
June 28, 2019

Law/Analysis

Your question is basically this: is the literal language of the mandatory minimum twenty-five year drug statutes controlling, thereby requiring "a day for day" term of imprisonment; or, on the other hand, is an inmate who has served "at least eighty-five percent of the term of imprisonment imposed" for the "no parole" offense of trafficking, carrying the mandatory minimum sentence of twenty-five years, eligible for early release, discharge or community supervision pursuant to § 24-13-150(A)? In other words, the language of the drug statutes which you have enumerated requires the offender to serve "a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted...." Moreover, these offenses are "no parole" offenses, meaning the offender is ineligible for parole, extended work release or supervised furlough. See State v. Brown, 303 S.C. 169, 171, 399 S.E.2d 593, 594 (1991) ["The sentence of trafficking in cocaine in the amount in question here is a mandatory one of at least twenty-five years without parole."]; State v. Taub, 336 S.C. 310, 519 S.E.2d 797 (Ct. App. 1999) [pointing out that such trafficking offenders are not eligible for parole, extended work release or supervised furlough].

However, in 1995, with the enactment of Act No. 83, (codified at § 24-13-150(A)), the General Assembly provided that:

- (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 is not eligible for early release, discharge or community supervision as provided in Section 24-21-560 until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed.

(emphasis added). As we concluded in Op. S.C. Att'y Gen., 2006 WL 28049804 (September 15, 2006), if an offense is a "no parole offense," a "defendant convicted of such and sentenced to the custody of the Department of Corrections . . . is not eligible for early release, discharge or community supervision until the prisoner has served at least eight-five percent of the actual term of imprisonment imposed." See also State v. Dawkins, 352 S.C. 162, 164, n. 1, 573 S.E.2d 783, n. 1, (2002). As the Administrative Law Court stated in Blihar v. S.C. Dept. of Corrections, 2003 WL 34004577 (S.C. Admin. Law Judge Div. 2003), the eighty-five percent is "calculated without the application of earned work credits, education credits, or good conduct credits." Id. at * 2.

As we understand your letter, the Department of Corrections has, notwithstanding passage of § 24-13-150(A), consistently construed these drug trafficking statutes, requiring a "mandatory minimum" sentence of at least twenty-five years, as a "day for day term of imprisonment, meaning an inmate sentenced under these provisions serves every single day of the sentence with no good time, work, or education credits to reduce the service time." (emphasis

Mr. Bryan P. Stirling, Director
Page 3
June 28, 2019

added). In light of the claim made in Cutshaw, you now seek our opinion as to whether we believe this is the correct interpretation; or instead whether the "at least eighty-five percent of the actual term of imprisonment" statute is controlling with respect to these drug trafficking statutes.

As noted above, § 24-13-150(A) references the definition of "no parole offense" contained in § 24-13-100. Section 24-13-100 defines a "no parole offense" as "a Class A, B or C felony or an offense exempt from classification as enumerated in Section 16-1-10(D), which is punishable by a maximum term of imprisonment for twenty years or more." The drug trafficking offenses cited in your letter are clearly deemed "no parole offenses" pursuant to § 16-1-10(D).

It is important at the outset to discuss the decision in Kerr v. State, 345 S.C. 183, 547 S.E.2d 494 (2001). There, the Supreme Court distinguished a "mandatory minimum term of imprisonment," found in the various statutes you reference, from the phrase "mandatory term." In Kerr, the defendant had been convicted of trafficking in cocaine. The Court affirmed in result a granting of post-conviction relief. Kerr had been sentenced under a statute providing for a "mandatory term of imprisonment of twenty-five years, no part of which may be suspended...." An unenumerated paragraph at the end of the statute stated, however, that an offender sentenced to a "mandatory minimum term of imprisonment of twenty-five years is not eligible for parole. . . ." This unenumerated paragraph was subsequently amended to provide that neither a "mandatory minimum term of imprisonment" nor a "mandatory term of twenty-five years or more" is eligible for parole. In concluding that Kerr was eligible for parole under the "mandatory term" statute under which he was sentenced, the Court explained:

[c]onstruing this penal statute strictly against the State as we must, we find that a "mandatory term" of imprisonment is not the equivalent to a "mandatory minimum term" of imprisonment. Indeed, when the precise subsection under which Kerr was convicted was challenged on constitutional grounds, this Court indicated that a "mandatory term" is distinguishable from a "mandatory minimum term" of imprisonment. See State v. De La Cruz, 302 S.C. 13, 16 n. 4, 393 S.E.2d 184, 186 n. 4 (1990). . .

Furthermore, we note the Legislature's subsequent amendments which added material terms to this unenumerated paragraph signal that a "departure from the original law was intended." See North River Ins. Co. v. Gibson, 244 S.C. 393, 398, 137 S.E.2d 264, 266 (1964) (where the Court recognized "the rule of construction that the adoption of an amendment which materially changes the terminology of a statute ... raises a presumption that a departure from the original law was intended."). We specifically find that the 1988 amendment which added "mandatory term" of imprisonment of 25 years to the parole ineligibility portion of section 44-53-370(e) effected a substantive change to the law.

Thus, Kerr was, in fact, parole eligible under S.C. Code Ann. § 44-53-370(e)(2)(c) (1985), and the Parole Board erroneously determined in 1995 that it had made a mistake by paroling Kerr in 1993. Kerr has established his parole was unlawfully terminated, and clearly, he is entitled to PCR. See S.C. Code Ann. § 17-27-20(a)(5)

Mr. Bryan P. Stirling, Director

Page 4

June 28, 2019

(1985). Accordingly, we affirm, in result, the PCR court's decision to grant Kerr relief and reinstate his parole.

345 S.C. 183, 345 S.C. 183, 547 S.E.2d 494 (2001). Thus, in Kerr, the Court applied the rule of lenity and construed any ambiguity in the sentencing statutes against the State, finding that Kerr was indeed parole eligible.

The Kerr case is also important because of the significance the Court placed upon the term "mandatory minimum term of imprisonment." In the Court's view, "a 'mandatory term' is distinguishable from a 'mandatory minimum term' of imprisonment." (citing State v. De La Cruz, 302 S.C. 13, 16, n. 4, 393 S.E.2d 184, 186, n. 4 (1990)). Since Kerr was sentenced under the provision that then provided for a "mandatory term," rather than the provision requiring "mandatory minimum term," he was eligible for parole.

Courts facing the question appear consistent with Kerr's recognition that the term "mandatory minimum term of imprisonment" possesses a special meaning. As the Court noted in Abakata v. State, 168 So.2d 251, 252 (Fla. 2015), a "mandatory minimum term . . . will require Appellant to serve his 25 year sentence day-for-day. . . ." See also Quintanal v. State, 972 So.2d 980, 981 (Fla. 2007) [a "mandatory minimum" sentence is a "day-for-day sentence"]; Moorer v. U.S., 868 A.2d 137, 144 (D.C. Ct. of App. 2005) ["The language of the statute is clear: a person convicted of carjacking must receive a term of at least seven years imprisonment, and must serve each and every day of these seven years in prison."]; State v. Hinojos, 393 S.C. 517, 520, n. 1, 713 S.E.2d 351, 352, n. 1 (Ct. App. 2011) [the trafficking charges "to which Hinojos pled guilty carried mandatory minimum sentences of seven years incarceration."]. And, in Nelson v. Ozmint, 390 S.C. 432, 436-437, 702 S.E.2d 369, 371 (2010), our Supreme Court further commented as to the meaning of a "mandatory minimum" sentence:

Petitioner argues inmates convicted of CDV 3rd should be permitted to earn good time credits and earned work credits such that they could reduce their terms of actual imprisonment below the mandatory minimum of one year. We disagree.

"The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature." Bryant v. State, 384 S.C. 525, 529, 683 S.E.2d 280, 282 (2009). When a statute is penal in nature, it must be strictly construed against the State and in favor of the defendant. State v. Blackmon, 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991). However, all rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the intended purpose of the statute. State v. Sweat, 386 S.C. 339, 351, 688 S.E.2d 569, 575 (2010).

We find the legislature intended § 16-25-20(B)(3) to require inmates convicted of CDV 3rd to actually be imprisoned for the mandatory one-year minimum. The legislature expressly provided that an inmate convicted of CDV, second offense, who is sentenced to the mandatory minimum term of imprisonment is eligible for early release based on credits he is able to earn during the service of his sentence. We find

Mr. Bryan P. Stirling, Director
Page 5
June 28, 2019

that, by omitting such language from the provision at issue, the legislature intended to make an inmate convicted of CDV 3rd ineligible to receive good time and earned work credits to reduce the time they are required to serve below the mandatory minimum of one year. See Hodges v. Rainey, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (the canon of construction "expressio unius est exclusio alterius" or "inclusio unius est exclusio alterius" holds that "to express or include one thing implies the exclusion of another, or of the alternative").

(emphasis added). Thus, Nelson clearly reinforces the conclusion that the application of a "mandatory minimum" statute requires an inmate to serve the sentence "day for day."

Here, the question is the applicability of the "eighty five percent rule" to the "mandatory minimum" trafficking statutes which clearly create "no parole offenses." We must look to the rules of statutory interpretation for guidance. Numerous principles of statutory construction are applicable. First and foremost, is the fundamental canon that legislative intent is controlling. As our Supreme Court explained in SCANA Corp. v. South Carolina Dept. of Revenue, 384 S.C. 388, 392, 683 S.E.2d 468, 470 (2009) regarding the governing rules of interpretation,

[t]he cardinal rule of statutory construction is to ascertain and effectuate the intent of the Legislature. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2008). "All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, as that language must be construed in light of the intended purpose of the statute." Broadhurst v. City of Myrtle Beach Electric, 342 S.C. 373, 380, 537 S.E.2d 543, 546 (2000). The Court should give the words their plain and ordinary meaning, without resort to subtle or forced construction to limit to expand the statute's operation. Sloan v. S.C. Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 469, 636 S.E.2d 598 (2006).

"It is the established law in this State that all statutes relating to the same subject must be construed together and harmonized if possible and each are given effect, if this can be done by any reasonable construction." Spartanburg Co. v. Mitchell, 214 S.C. 283, 289, 52 S.E.2d 266, 269 (1949). In addition, "courts will reject a statutory interpretation that would lead to an absurd result not intended by the legislature or that would defeat legislative intent." State v. Johnson, 396 S.C. 182, 189, 720 S.E.2d 516, 520 (Ct. App. 2011). Where the language of a statute is ambiguous or "lends itself to equally logical interpretations," a court may look beyond the borders of the act itself to determine legislative intent. Kennedy v. S.C. Ret. Systems, 345 S.C. 339, 348, 549 S.E.2d 243, 247 (2001). The true aim and intention of the legislature will be deemed controlling over the literal words which may be used in the statute. Greenville Baseball Club v. Bearden, 200 S.C. 363, 20 S.E.2d 813 (1942).

Moreover, a construction which best secures the rights of all the parties affected is the proper construction in case of conflicting statutes. Feldman v. S.C. Tax Commission, 203 S.C. 49, 26 S.E.2d 22 (1943). "If conflicting statutes cannot be harmonized, the last in point of time or order of arrangement prevails, under the principle that the last expression of the legislative

Mr. Bryan P. Stirling, Director

Page 6

June 28, 2019

will is the law.” Id. However, as we stated in Op. S.C. Att’y Gen., 1989 WL 406172 (No. 89-82) (August 17, 1989),

[i]t is a canon of statutory construction that a later statute general in its terms and not repealing a prior special or specific will be considered as not intended to affect the special or specific provisions of the earlier statute, unless the intention to affect the repeal is clearly manifested or unavoidably implied by the irreconcilability of the continued operation of both.

(quoting 73 Am. Jur.2d Statutes, § 417, pp. 521-22). And, as the Court noted in Kerr, any ambiguity in a penal statute must be construed against the State and in favor of the defendant.

An additional rule of interpretation must be referenced. As we explained in Op. S.C. Att’y Gen., 2010 WL 5578965 (Dec. 7, 2010),

[i]n Nelson v. Ozmint, Op. No. 26894, filed November 22, 2010, the State Supreme Court construed a statute that made an express provision for one set of circumstances but, according to the Court’s reasoning, by omitting such language for another set of circumstances in the provision at issue, the General Assembly intended by such exclusion to make a distinction between the situations addressed by the statute. The Court cited the rule of statutory construction set forth in Hodges v. Rainey, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) of “... ‘expressio unius est exclusio alterius’ or ‘inclusio unius est exclusio alterius’ which holds that ‘to express or include one thing implies the exclusion of another or the alternative.’”

While all these canons of construction are undoubtedly enlightening, the principal issue here is what did the General Assembly intend in enacting 24-13-150(A), clearly a statute passed subsequently to the various trafficking statutes requiring a mandatory minimum sentence of twenty-five years with no parole (“day to day”). Certainly, we respect the Department’s longstanding interpretation of a “day for day” sentence over the years. Such an interpretation is in accord with the express “mandatory minimum” language employed in these statutes and with the purpose of these statutes when enacted. State v. Brown, supra. See also State v. De La Cruz, 302 S.C. 13, 393 S.E.2d 184 (1990) [twenty-five year mandatory minimum sentence for trafficking in cocaine held not to violate separation of powers, due process, equal protection or cruel and unusual punishment].

Indeed, as you note in your letter, the Department’s interpretation – that the twenty-five year “mandatory minimum” trafficking statutes require a “day for day” service of the sentence – has been upheld by the Administrative Law Court and in an unpublished Court of Appeals decision. In Battle v. S.C. Dept. of Corrections, ALC Case No. 16-ALJ-04-0003-AP (November 15, 2016), the Administrative Law Court concluded that “a person sentenced to a mandatory minimum twenty-five year sentence, like Appellant, must serve each day of the sentence.” (emphasis added). On appeal, the Court of Appeals affirmed the ALC in an unpublished

Mr. Bryan P. Stirling, Director
Page 7
June 28, 2019

decision. While the unpublished decision lacks precedential value, nevertheless, the Court's analysis is instructive:

[t]he ALC did not err in finding the Department properly determined Battle was required to serve one hundred percent of his sentence. . . . State v. Taub, 336 S.C. 310, 317, 519 S.E.2d 797, 801 (Ct. App. 1999) ("The general rule of statutory construction is that a specific statute prevails over a more general one."); S.C. Code Ann. § 44-53-370(e)(2)(b)(3) (2018) (providing a person who is convicted of a "third or subsequent offense" of "trafficking in cocaine" in the amount of "twenty-eight grams or more, but less than one hundred grams" must serve "a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and [pay] a fine of fifty thousand dollars"); S.C. Code Ann. § 24-13-100 (2007) (providing that "a 'no-[parole offense]' means a class A, B, or C felony or an offense exempt from classification as enumerated in [s]ection 16-1-10([D]), which is punishable by a maximum term of imprisonment for twenty years or more"), repealed in part by Bolin v. S.C. Dep't of Corr., 415 S.C. 276, 286, 781 S.E.2d 914, 919 (Ct. App. 2016); S.C. Code Ann. § 16-1-10(D) (Supp. 2018) (including section 44-53-370(e)(2)(b)(3) in its list of exempt offenses); S.C. Code Ann. § 24-13-150(A) (Supp. 2018) (providing that no-parole offenses are "not eligible for early release, discharge, or community supervision ..., until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed"); *id.* ("Nothing in this section may be construed to allow ... an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision."); S.C. Code Ann. § 44-53-370(e) (2018) ("A person convicted and sentenced under this subsection to ... a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole, extended work release.").

Notwithstanding these factors, however – pointing to a "day for day" interpretation – we believe that a court would likely conclude, based upon legislative intent, that the better construction, and one more in accord with legislative intent, is that the Legislature intended § 24-13-150(A) to control with respect to the aforementioned drug trafficking statutes. There are a number of reasons we believe that a court may, after full briefing and argument, determine that § 24-13-150(A) is dispositive. First and foremost, the eighty-five percent requirement was adopted subsequently to the mandatory minimum twenty-five year statutes. Moreover, § 24-13-150(A) purports to include all "no parole" offenses as defined in § 24-13-100. In Bolin v. S.C. Dept. of Corrections, *supra*, our Court of Appeals interpreted § 24-13-100 in a way which is instructive with respect to the situation here. Bolin involved the question of whether § 24-13-100, defining 'no parole offenses,' had been modified by a subsequent statute, the Omnibus Crime and Sentencing Reform Act of 2010. Certain offenses under consideration in Bolin, such as conspiracy to manufacture methamphetamine, second offense – offenses not applicable here – were considered "no parole offenses" pursuant to § 24-13-100. However, based upon the language of the subsequently passed 2010 Act, the Court concluded that the drug offenses under

Mr. Bryan P. Stirling, Director
Page 8
June 28, 2019

consideration there had been removed from the list of "no parole offenses" under § 24-13-100 by the 2010 Sentencing Reform Act.

While Bolin is not directly controlling as to the situation here, the Court's reasoning is nevertheless helpful. First of all, Bolin indicates that § 24-13-150 includes all "no parole offenses." The Court's language is as follows:

[a]s previously stated, Section 24-13-150 requires an inmate who has been convicted of a no-parole offense to serve eighty-five percent of his sentence before he is eligible for "early release, discharge, or community supervision." . . .

415 S.C. at 280-81, 781 S.E.2d at 916 (emphasis added). Such a broad statement by the Court certainly suggests that § 24-13-150(A) is all encompassing with respect to "no parole" offenses such as the mandatory minimum drug offenses about which you inquire.

Further, Bolin analyzed the effect which the language of the subsequent 2010 Omnibus Crime Reduction Sentencing Reform Act of 2010 had upon the "no parole offense" statute. The Court's analysis is instructive here as well:

[t]he legislature's use of the phrase "Notwithstanding any other provision of law" in the amendments to Sections 44-53-375 and -370 expresses its intent to repeal section 24-13-100 to the extent it conflicts with amended sections 44-53-375 and -370. See Stone v. State, 313 S.C. 533, 535, 443 S.E.2d 544, 545 (1994) (holding that when two statutes "are in conflict, the more recent and specific statute should prevail so as to repeal the earlier general statute."); Hair v. State, 305 S.C. 77, 79, 406 S.E.2d 332, 334 (1991) ("the law clearly provides that if two statutes are in conflict, the latest statute passed should prevail so as to repeal the earlier statute to the extent of the repugnancy."); Strickland v. State, 276 S.C. 17, 19, 274 S.E.2d 430, 432 (1981) ("[s]tatutes of a specific nature are not to be considered as repealed in whole or in part by a later general statute unless there is a direct reference to the former statute or the intent of the legislature to do so is expressly implied therein. (emphasis added). Even if the language of Section 24-13-100 could be considered more specific than the amendment to Section 44-53-375(B), the intent to repeal Section 24-13-100 to the extent it conflicts with the amendments to Section 44-53-370 and -375 is "explicitly implied" in the language of the amendment stating "Notwithstanding any other provision of law." See Strickland, 276 S.C. at 19, 274 S.E.2d at 432. . . . Without this implicit repeal, the amendments themselves would be meaningless. See State v. Long, 363 S.C. 360, 364, 610 S.E.2d 809, 811 (2005) ("the legislature is presumed to intend that its statutes accomplish something.")

415 S.C. at 282-83, 781 S.E.2d at 917.

Here, the General Assembly enacted § 24-13-150 following passage of the trafficking statutes. Most importantly, § 24-13-150(A) also uses the phrase "[n]otwithstanding any other provision of law," indicating the Legislature's intent that there should be an "explicitly implied"

Mr. Bryan P. Stirling, Director
Page 9
June 28, 2019

repeal of the mandatory minimum twenty-five year "day for day sentence," required by the drug trafficking statutes enumerated in your letter, to the extent that such sentence conflicted with the eighty-five year requirement prior to participation in a community supervision program. When coupled with the fact that § 24-13-150 exempts from its reach only a sentence of the death penalty or a term of life imprisonment, when the Legislature was aware of the existence of the mandatory minimum twenty five year trafficking statutes and could have easily also exempted these trafficking statutes if it had wished – but did not do so – strongly indicates the Legislature's intent to include trafficking within the "eighty five percent" rule.

Finally, nowhere in the trafficking statutes is community supervision mentioned as being excluded. While these statutes bar suspended sentences, probation, parole, and extended work release and supervised furlough, they make no mention of ineligibility for community supervision. Community supervision is authorized by § 24-21-560. Like § 24-21-150(A), § 24-21-560(A) makes an exception only for sentences carrying the death penalty or life imprisonment. Section 24-21-560(A) cross-references § 24-21-150(A), requiring that "[n]o prisoner who is serving a sentence for a 'no parole offense' is eligible to participate in a community supervision program until he has served the minimum period of incarceration as set forth in Section 24-13-150." [eighty-five percent]. As our Supreme Court noted, "[a]ll persons serving 'no parole' sentences, except those under a death sentence or a life sentence, participate in the [Community Supervision] Program following their term of incarceration [85% of the 'actual term of imprisonment imposed'] S.C. Code Ann. § 24-21-560(A). . . ." Jackson v. State, 349 S.C. 62, 63, 562 S.E.2d 475 (2002). (emphasis added). Thus, the General Assembly recognized a distinction between community supervision and parole, extended work release and supervised furlough. The "enumeration of exclusions from the operation of a statute indicates that the statute should apply to all cases not specifically excluded." Hodges v. Rainey, 313 S.C. at 86, 533 S.E.2d at 582. Again, trafficking offenses carrying a mandatory minimum sentence of twenty-five years were not excluded when they could have been. Such is another indication of legislative intent.

A closely analogous case resolving a statutory conflict in the same way as we do here is State v. Burton, 301 S.C. 305, 391 S.E.2d 583 (1990). There a person eligible under the Youthful Offender Act (YOA) was charged with distribution of crack cocaine, first offense, carrying a mandatory minimum sentence. He was convicted and sentenced under the YOA. The State appealed, contending,

. . . that because the YOA permits the trial judge to suspend a sentence and grant probation, it is in conflict with the crack statute which prohibits suspension and probation. Therefore, it argues that the specific mandatory minimum sentence provided by the crack statute prevails over the general provisions of the YOA.

301 S.C. at 307, 391 S.E.2d at 583. The Supreme Court disagreed. According to the Court,

The legislature has specifically prohibited the imposition of a YOA sentence for a conviction which carries a sentence of less than one year or which carries a

Mr. Bryan P. Stirling, Director
Page 10
June 28, 2019

maximum sentence of death or life imprisonment. S.C. Code Ann. § 24-19-10(f) (1989). Additionally, a person who is between the ages of twenty-one and twenty-five when convicted of armed robbery is ineligible for a YOA sentence. S.C. Code Ann. § 16-11-330(1) (1985); State v. Cutler, supra.

Because the legislature has specifically excluded YOA sentences for certain offenses, we infer that the legislature intended the YOA to apply to youthful offenders guilty of all other offenses. Although the legislature has provided for a mandatory minimum sentence for possession with intent to distribute crack cocaine, we find no conflict between the crack statute and the YOA since a YOA sentence is not specifically excluded by the crack statute.

We hold that a youthful offender convicted of possession with intent to distribute crack cocaine is not precluded from receiving a sentence under the YOA. Accordingly, the sentence imposed by the trial judge is

For all these reasons, we believe a court will conclude that § 24-13-150 is controlling.

Conclusion

Based upon the foregoing, it is our opinion that a court would likely interpret § 24-13-150(A) to be controlling with respect to those drug trafficking offenses which carry a mandatory minimum of twenty-five years imprisonment without parole. We recognize that the Department of Corrections has long construed the mandatory minimum twenty-five year statutes (which you enumerate in your letter) as so-called "day for day" sentences – meaning each day of the mandatory minimum sentence must be served. We also recognize that there is an unpublished Court of Appeals decision supporting the Department's interpretation. And, we certainly respect such an interpretation by the Department which is in keeping with the literal language of these statutes, as well as their purpose when enacted.

However, § 24-13-150(A) was enacted after those mandatory minimum statutes carrying a sentence of twenty-five years. Moreover, § 24-13-150(A) appears all encompassing as to "no parole" offenses. The only exceptions provided therein or in the community supervision statute are for sentences of the death penalty or life imprisonment. If the Legislature had intended other exceptions to be applicable, such as for a drug trafficking offense in which the mandatory minimum sentence of twenty-five years is applicable, it could have easily done so when it enacted § 24-13-150 or § 24-13-560(A). But it did not. Again, the expression of certain exceptions by the Legislature is a strong indicator that other exceptions were not intended. Further, the Legislature's use of the phrase 'notwithstanding any other provision of law' in § 24-13-150(A) and § 24-13-560(A) indicates an intent that § 24-13-150(A) should apply to and be controlling as to these trafficking offenses, thereby making the inmate eligible for community supervision upon service of at least eighty-five percent of the sentence for these offenses. The Supreme Court resolved a similar question the same way as we do here in State v. Burton, supra.

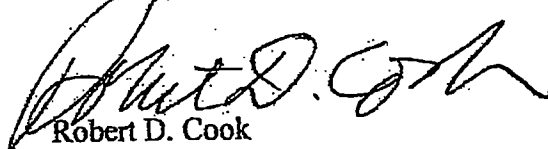
Exhibit 1

Mr. Bryan P. Stirling, Director
Page 11
June 28, 2019

As the Supreme Court stated in Jackson v. State, supra, the Community Supervision Program “serves essentially the same function for persons convicted of ‘no parole offenses’ as parole does for other inmates.” Thus, in our view, the effect of the Legislature’s passage of § 24-13-150(A) (effective January 1, 1996), when read in harmony with the mandatory minimum twenty-five year trafficking statutes, was to reduce the sentence for those trafficking offenses from a mandatory minimum “day for day” sentence of twenty-five years to a mandatory minimum sentence of imprisonment of at least eighty-five percent of the sentence of imprisonment which these trafficking statutes originally provided. See State of Iowa v. Iowa Dist. Ct for Black Hawk County, 616 N.W.2d 575 (Iowa 2000). Accordingly, we believe a court is likely to so hold.

Still, we believe the Legislature or a court should address this issue directly with all arguments and points of view present and on the table. However, in the meantime, it is our opinion that a court would likely conclude that the enactment of § 24-13-150(A) – requiring an inmate convicted of a “no parole offense” to serve at least eighty-five percent of his sentence before being eligible for community service – is controlling with respect to the mandatory minimum twenty-five year drug trafficking statutes enumerated in your letter.

Sincerely,



Robert D. Cook
Solicitor General

STATE OF SOUTH CAROLINA

COUNTY OF Oconee
STATE VS.

Galbreath, Jerry Marvin

AKA: _____

Race: W Sex: M Age: _____

DOB: _____ SS#: _____

Address: 308 Holloway St.
Walhalla, Sc 29691

DL# _____ SID#: 5C0057144

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

2003 -GS-37 - 0386

A/W#: F-013685 (DIRECT)

Date of Offense: 12-28-02

S.C. Code §: 16-3-10

CDR Code #: 011116

CASE RESTORED

SENTENCE

PLEA TRIAL

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 011116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: _____
Solicitor

_____ Defendant

_____ Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of Three (3) days under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

The Defendant is to be given credit for FIVE (5) days jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS _____

Recipient: _____
*Fine:\$ _____
§14-1-206 (Assessments 100%)....\$ _____
§14-1-211(A)(1) (Surcharge)\$ 100
§14-1-211(A)(2) (Surcharge)\$ _____
§56-5-2995 (DUI Assessment)....\$ _____
3% to County (if paid in installments) ...\$ 3
TOTAL\$ 103.00

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund.
Other: _____

Clerk of Court/ Deputy Clerk

Court Reporter: Michael Watts
White - Clerk Green - Corrections

PRESIDING JUDGE [Signature]

Judge Code: 1163

Sentence Date: 5/29/03
Pink - Defendant

STATE OF SOUTH CAROLINA)
 COUNTY OF OCONEE)
)
)
 Jerry Marvin Galbreath, SCDC #131740,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE TENTH JUDICIAL CIRCUIT

Case No. 2020-CP-37-0423

CONDITIONAL ORDER OF DISMISSAL

FILED
 MISSISSA Q. RICHMOND
 CLERK OF COURT
 2021 JUN 11 10 58 AM
 OCONEE COUNTY SOUTH CAROLINA

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jerry Marvin Galbreath (Applicant) on July 8, 2020. The State made its return on July 7, 2021, requesting the action be summarily dismissed.¹

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Oconee County Clerk of Court. Applicant was arrested on December 28, 2002, following an investigation into the murder of Shawn Gregory Bates. During its April 2003 term, the Oconee County Grand Jury indicted Applicant for murder (2003-GS-37-

¹ The State's return was originally due on October 13, 2020. *See* Rule 12(a), SCRCP (“[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.” However, having completed the return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, this Court grants the State’s request accept its return as timely filed. *See* S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that “respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application.”); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

Real hate but judge said OK?

Copies to:
 Atty (P) Galbreath (D) Meadows
 DSS _____ other _____
 Filed Boxed _____ handed _____

ENTERED
Alt
 COMPUTER

IV. CONCLUSION

Pursuant to section 17-27-70(b), this Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this order upon him to show why this order should not become final. Applicant shall file any reasons he may have with the Oconee County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Lillian L. Meadows
Post-Conviction Relief Division – 10th Circuit
Post Office Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Oconee County Clerk of Court and opposing counsel within twenty (20) days, and this Court will not consider any issues raised in his response if not so timely filed and served.

State's return (late-late)

AND IT IS SO ORDERED this 9th day of July, 2021.

FILED OCONEE COUNTY, SC
MELISSA G. BURTON
CLERK OF COURT
2021 JUL 14 P 1:57

J. Cordell Maddox, Jr.
J. CORDELL MADDOX, JR.
Chief Administrative Judge
Tenth Judicial Circuit

Andersen, South Carolina

CERTIFIED TRUE COPY
JUL 14 2021
CLERK OF COURT
OCONEE COUNTY, SC

State of South Carolina
County of Oconee

FILED OCONEE COUNTY, SC
JERRY M. C. BURTON
CLERK OF COURT

In The Court of Common Plea
For the 10th Judicial Circuit

2021 APR 25 PM 1:48
Jerry Marvin Galbreath #131740

Case No. 2020CP-37-0423

Applicant,
v

State of South Carolina
Respondent

Answer to Motion to Dismiss
and Request For Appointment
of Counsel

In response to the states Motion to Dismiss
I File this Answer

I am entitled to redress with the Courts when a Constitutional and Federally protected Due process claim arises from evidence not previously presented to a court, and a Constitutional Claim for Statutory Construction/Intent for sentencing.

I am no attorney and because of the complex nature of the arguments made here with in and in my current P.C.R. I respectfully request this court to appoint competent counsel to further litigate these claims in a proper hearing.

As quoted by Mr. Wilson Attorney General in the June 28, 2019 opinion "A court should address this issue directly with all arguments and points of view present and on the table."

Thus the states position that the opinion filed with my PCR only pertained to the trafficking case is completely incorrect. Because 24-13-150(A) attaches itself to all convictions. The argument or clarification from Mr. Sterling to Mr. Wilson was only in that context because of the filing from Cutchaw's attorney on the intent of the language contained within the statute and its interpretation as a whole. State v. De La Cruz 302 S.C. 13 (1990).

Here the use of that intent and clarification is a necessity of the court. North River Ins. Co. v. Gibson 244 S.C. 393, 398, 137 S.E^{2d} 264, 266 (1964)

"Notwithstanding" controls over all other enactments because 24-13-150(A) was reached after defendants murder statute and under the inclusion and exclusion rules, the only 2 sentences that were prevented from receiving the 85% controlling sentence term is a sentence of life or a sentence to death.

① The legislature could not of explicitly intended the statute to only pertain to traffickings, day for day to be 85% or it would of stated so in 24-13-150(A).

(2) Under what plain sentence for just trafficking could a person receive a life sentence or a death sentence. None according to 44-53-370 @ 4453-375

(3) By the legislators intent clearly excluding a sentence of Life or a death sentence from receiving the benefits of 85%, thus it must mean all other sentences are included, including Day for Day or a term of 30 years.

Strickland v State 276 S.C. 17, 19, SE^{2d} 430, 432 (1981)

In addition to these factors, pointing to "Day for Day" Bolin v SC Dept of Corr, Supra interprets S.C. 24-13-100 in a way that is instructive with respect to this situation.

(1) Bolin indicates that 24-13-150(A) includes "All no parole offenses" The cover was clear providing that S.C. 24-13-150(A) is all encompassing with respect to no parole offenses, and the controlling 24-13-150(A) statutory language for sentences.

(2) Analyzed by the court the 1995 24-13-150(A) attachment to use the phrase "Notwithstanding any other provision of law" in connection to all sentences except a sentence for life or a sentence for death, expresses intent to repeal any day for day statutory construction and create 85%

For all other "No Parole offenses"

Most importantly SC 24-13-150(A) uses the phrase "Notwithstanding any other provision of law" indicating the legislature's intent that there should be an explicitly implied repeal of the mandatory minimum 25-30 year or day for day sentences to the extent that such a sentence conflicts with the 85% requirement prior to participation in a community supervision program. Coupled with the fact that 24-13-150(A) exempts from its reach only a sentence of life or a sentence of death,

Legislature did not exempt my sentence actually SC 24-21-56(A) make an exception only for a life sentence or a sentence with a death penalty.

Section 24-21-56(A) cross references 24-21-150(A) requiring no parole offenses to serve 85% before community service as set forth in 24-13-150.

Jackson v State 349 SC 62, 63, SE^{2d} 475 (2002)

Hodges v Rainey 313 SC at 86, 533 SE^{2d} at 582

SC 24-13-150(A) is all encompassing the legislature did not intend any other exceptions to be applicable. Had it intended to have

exceptions it would of had it in 24-13-150(A) or 24-13-56(A). And the "notwith standing any other provision of law" in 24-13-150(A) and 24-13-56(A) indicates the intent that 24-13-150(A) should apply to and be controlling to my offense, all sentences except a life sentence or a sentence of death.

State v. Burton Supra, State v. Jackson supra
and State v. Iowa v. Iowa Dist. Ct For Black Hawk
County 616 N.W.2d 575 (Iowa 2000)

The state contends that the statute of Limitations should control their request for Summary dismissal and my claim be barred or it lacks merit.

I disagree there is a need to develop facts and hold a hearing as to the legislative intent in question as any Constitutional Claim under statutory construction must be clarified, if there is any question or conflict and if there is any question a reasonable mind may conclude that there is a possible other intent, than the Attorney General's opinion. Was published June 28, 2019, I First

read it in April, 2020, and I signed/mailed my P.C.P. application the 24th day of June 2020 under the statute time limit of 1 year and should not be barred.

Thus the question here is as to a defect in the original sentencing by misinterpretation of the statutory construction as to the intent of legislative meaning in SC 24-13-150(A) and attached to my 30 year "Day For Day" No parole sentence

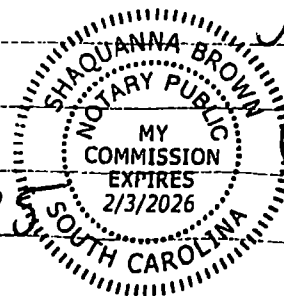
I respectfully request the court to reverse its Summary Dismissal and allow a hearing for me with competent counsel to clarify the Legislators intent as to "No Parole offenses" "Day For Day" and the controlling 24-13-150(A) statutory language for sentence.

RECEIVED

Respectfully

JUL 23 2021

Jerry M. Galbreath # 131740
Unit 6 Room 38 B
Tyger River Carry
200 Prison Road
Endree S.C. 29335



TYRGI MAIL ROOM

Jerry Galbreath
being unmailed
7-23-21

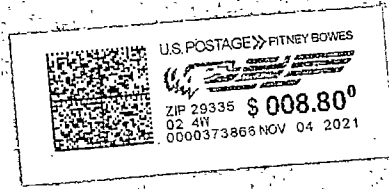
Ohly B
2/3/2024

Jerry M. Gubbreath #131740 Unit 6 Room 26B
Tyger River Corp. Institution
200 Prism Road
Enoree SC 29335

RECEIVED

NOV 12 2021

S.C. SUPREME COURT

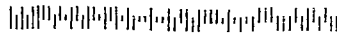


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NOV 04 2021

TYGER MAILROOM

The Supreme Court of SC
Patricia A Howard Clerk of Court
PO Box 11330
Columbia SC 29211



The Department of Corrections HAS NOT
INSPECTED OR CENSORED this item.
Therefore, The Department does not
assume responsibility for it's content.
Tyger River Correctional Institution.
S.C. Department of Corrections

