

Jaques Jamar Sullivan, #335849
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

December 15, 2021

Honorable Patricia A. Howard, Clerk of Court
South Carolina Supreme Court
Supreme Court Building
Post Office Box 11330
Columbia, SC 29211

RE: Sullivan v. State, Appellate Case No. 2021-000997
Request to Proceed Pro Se
Rule 243 Explanation

Dear Ms. Howard:

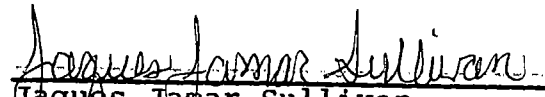
Pursuant to his Order of December 7, 2021, I have written Chief Justice Beatty informing him of my desire to proceed pro se.

In the event I am granted leave to proceed pro se, I am enclosing my Rule 243(C) Explanation for filing in your office.

If there are any questions or if further information is required, please contact me at the above address

With kind regards, I respectfully remain,

Very truly yours,


Jaques Jamar Sullivan

cc: Victor R. Seeger, Esquire
Taylor Z. Smith, Esquire
File

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DEC 23 2021

S.C. SUPREME COURT

Jaques J. Sullivan, #335849
Perry Correctional Institute
430 Oaklawn Rd. / Q2A-222
Pelzer, SC 29669

December 13, 2021

Honorable Patricia Howard
Supreme Court of South Carolina
P.O. Box 11350
Columbia, SC 29211

Re: Sullivan v. State
Case No: 2021-000997

Dear Honorable Howard:

This responds to your letter, dated November 30, 2021, sent to my former appointed counsel, Mr. Victor Seeger. Please find listed below my explanation to show cause, pro se, in compliance with Rule 243(c):

FACTS

Petitioner's subsequent post conviction relief action being appealed here was based on several facts: (a) law enforcement failed to comply with SC Code § 17-30-70 which requires SLED to obtain court order authorization prior to intercepting oral communications; (b) Initial PCR counsel failed to perfect and address this and related matters during first PCR evidentiary hearing; (c) It was later discovered that trial counsel, Daniel Farnsworth Sr., was suffering from dementia at the time of petitioner's trial; (d) PCR court erroneously fixed a time for the State to make Return to petitioner's subsequent PCR application many months after they were already in default.

ARGUMENTS and AUTHORITIES

First, petitioner argues that his Due Process and Equal Protection of Law rights were violated when State law enforcement illegally gained evidence against him by failing to obtain authorization to intercept oral communication pursuant § 17-30-70. He would further argue that due to initial PCR counsel's failure to perfect this matter, petitioner was not afforded opportunity to be fully heard on all constitutional violations.

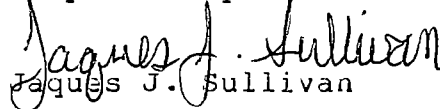
Second, petitioner would argue that the discovery of his trial counsel suffering from dementia, a degenerative ailment, certainly would have contributed to his ineffective representation.

Third, petitioner argues that despite the newly discovered evidence of material fact being raised, the lower court's denial of an evidentiary hearing was unwarranted. Moreover, granting the State's summary judgement and dismissal was an abuse of discretion, especially when the lower court arbitrarily fixed a due-date for the State's Return well after they were already in default.

And, finally, petitioner argues that due to the discovery of new (material) evidence, he was entitled to a subsequent PCR action pursuant to SC Code § 17-27-45(C) and 17-27-90. Furthermore, petitioner asserts that he was prejudiced by the many procedural irregularities, and cites cases such as McCoy v. State, 737 S.E.2d 623; Washington v. State, 478 S.E.2d 833; and Williams III v. Ozmint, 671 S.E.2d 600 ("Although successive PCR applications are disfavored, they are not prohibited.").

The facts, arguments, and authorities cited above comprise petitioner's best explanation as to why the lower court's denial of evidentiary hearing and granting summary dismissal was in error.

Respectfully submitted,


James J. Sullivan

CC: Taylor Z. Smith, Esq.
S.C. Office of Attorney General

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INTER-AGENCY MAIL

LEGAL MAIL

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FOR MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS
NOT CENSORED THIS ITEM, THEREFORE,
THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS WRITTEN CONTENTS.
S.C. DEPARTMENT OF CORRECTIONS