

State of South Carolina
IN THE SUPREME COURT

APPEAL FROM Kershaw County Circuit
Court.

L. Casey Manning, Judge

Case No: 2020-CP-28-686

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S.C. SUPREME COURT

Ricky Shepard ----- Petitioner;

-VS-

State of South Carolina ----- Respondent.

Supersecede Explanation

Now come the petitioner; Ricky Shepard
petition this Supreme Court with this super-
secede notice of an appeal explanation
why the lower court decision was improper;
pursuant to SCACR, Rule 243 (c). Petitioner
submit this supersecede explanation to take
the place of the December 15, 2021 notice of
an appeal; why because this notice of an
appeal; did not had an explanation require
by SCACR, 243 (c) based on such defi-
ciency explanation in appeal notice;

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The Petitioner are now submitting the following below explanation why the lower Court decision was improper as a matter of law asserted therein.

Below Explanation

Petitioner submit in this explanation why the lower court decision was improper because the petitioner raise a PCR act legislative filing exception procedural provision under 17-27-45(c) actual discovery through due diligence; according to the holding outlined in Gary vs State 557 SE 2d 662 [1,2] when a petitioner raise an exception against a successive or untimely; the Court MUST hold an evidentiary hearing on the PCR Act filing exception procedural provision asserted; supra Gary vs State; which the petitioner raise such filing defense ambit exception procedural under actual discovery of 17-27-45(c); Not New discovery evidence as the respondent are asserting in there order of dismissal and how the Court are asserting in its final Order; that the petitioner did assert in his claim under 17-27-45(c); actual

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discovery; Not New discovery evidence; which
ON December 21, 2021 the petition file a Rule 59(e)
motion Challenging the Court's final order on mis
interpretation of New discovery evidence can not
be challenge under 17-27-45 (c); Only actual dis
cover; based on such misleading statutory
provision illegal admit is not cover under 17-
27-45 (c) this court would be in error of law for
Not directing the lower court to hold an evidentiary
hearing under the filing procedural exception of
actual discovery of 17-27-45 (c); as a excep
tion asserting under the PCR act filing pro
cedural safeguard as a matter of law therein
its procedural provision of 17-27-45 (c).

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