

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY

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J. Mark Hayes II

JUN 14 2021

SC Court of Appeals

Case # 2021-000497

Leonard L. Foster #179576 Appellant

v

State of South Carolina. Respondent

cc: Alan McCray Wilson
Chelsey Faith Manton-Esqwire

Sincerely
Leonard Foster

This matter comes by way of rehearing pursuant SCACR
Rule 219 (b)

Issues

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1. On April 8, 2021 Common Pleas Court denied Appellants motion for default judgment and summary dismissed writ habeas corpus for lack of subject matter jurisdiction

2. Thereupon Appellate Court dismissed petition pursuant SCACR Rule 203 (A) (1) (B) (vi)

Argument

Under the plain language of S.C. Code 17-27-30 Common Pleas Court by the Constitution and statute of this State Original jurisdiction in habeas corpus is vested and the Court must apply clear and unambiguous term of statute according to their literal meaning.

In *Brown v Ewart* 322 SC 189 470 SE 2d 848 Supreme Court of South Carolina held circuit court erred in finding it lack subject matter jurisdiction over inmates petition for habeas corpus.

Therefore the language of the statute clearly vests subject matter jurisdiction over cases brought pursuant the Act with the court of Common Pleas

Appellant believe Appellate Court has overlook or misinterpret purpose of July 29, 2019 writ habeas corpus wherein Application is instituted by S.C. Code 17-27-20 (A) (2) which Issues of Subject matter jurisdiction can be raised at any time can be raised for the first time on Appeal and can be raised sua sponte by the Court State v Guthrie 352 S.C. 103 572 SE 2d 309

According Brown v Evatt 322 SC 189 470 SE 2d 848 subject matter jurisdiction is power to hear and determine cases of general class to which proceeding in question belong and Common Pleas Court erred in finding it lack subject matter jurisdiction over Mr. Foster habeas corpus petition.

As the record reflect Mr. Foster did serve summons and complaint pursuant SCRPC, Rule 3 which gives the Court personal jurisdiction.

Sincerely
Arnonal Foster

Certificate of Service

I Leonard L Foster certify I did serve the following person by depositing same in the United States mail with prepaid postage.

cc.
Alan McCray Wilson
Chelsey Faith Marto
South Carolina Attorney General's Office
Post Office Box 11549
Columbia S.C. 29211-1549

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June 10, 2021

Sincerely
Leonard Foster

Leonard Foster #179576 JEA-20517A
1578 Clarence Coker Hwy.
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Mrs. Jenny Abbott Kitchings
Clerk South Carolina Court of Appeal
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