

United States Court
of Appeals

State of South Carolina
County of Richland

John Bates, Jr #356426
Applicant

V.

State of South Carolina
Fifth Circuit

In the court of Appeals

2021 - CP - 40 - 4621

APPeal

RECEIVED

FEB 14 2022

S.C. SUPREME COURT

I John Bates, Jr #356426 is currently confined in the South Carolina Department of Corrections. (SCDC) my PCR has been denied due to being filed untimely in the middle of a Pandemic. South Carolina Department of Corrections has been locked down without any movements for long periods of times, which made it impossible for my PCR to be filed in a timely matter. Inmates were locked down inside their cells 24 hours a day for long periods of times, not being able to go to the mail room and get legal mail notarized that required being notarized. (PCR)

Staff Members had covid-19 and inmates were dying. So to prevent and stop the spread of covid-19 staff members weren't able to go from one living area to another one as normal in prison. It was impossible to get a "notary Public" to notarize legal mail in a timely matter. Because of covid-19 I didn't have the access to proper legal material. The pandemic caused the U.S. Postal Service mailing system to be backed up for several months and really caused my "PCR" to get filed late,

(11 days late) of the "1 year" statute of limitations".

The pandemic affected everyone in this country, even the state.

So for all of those reasons, I ask the court of Appeals to reverse the decision to dismiss my PCR due to being filed in an untimely matter in a pandemic. Because it was impossible to be filed on time due to covid-19 restrictions.

Also I have a copy of my PCR being filed and clerk stamped by Richland County Clerk Jeanette Mcbride on July 8th 2021. at 9:01 A.M

Richland county clerk of court filed my PCR on July 8th 2021 at 9:01 A.M and mailed it back to me along with the (warrant numbers) they told me to add and send back to finish the Process.

I added the warrant numbers they sent me and mailed it back, July 9th 2021 but due to the pandemic having the U.S. Postal Service mailing ~~services~~ system backed up, my PCR made it there late, and filed again 11 days late.

So for all of those reasons I ask the court to reverse the decision to dismiss my PCR.

In the state conditional order of dismissal, The State used information against me that couldn't be used against me in court for dismissal.

The state created and used a false material statement against me in court. (material false statement) The state put Judge Jocelyn Newman name on front of another Judge transcripts and made it seem as if I was talking to her in a court room. When it was not her I was in front of, and they used those false documents to get my PCR dismissed.

Page 1 and 2 of the transcripts from "march 25, 2019" that the state used against me to get my PCR dismissed says the Honorable Jocelyn Newman. Pages "3-12" is a totally different Judge, but the state made it look like it was Judge Jocelyn Newman I was in the court room in front of.

If you look at pages 4-9 of the transcripts, you will see that I answered every question the Judge asked "Yes sir" or "No sir" because that was NOT Judge Jocelyn Newman. Judge Jocelyn Newman is a woman and I would've answered "Yes ma'am" or "No ma'am"

That was a Male Judge court transcripts but they put Judge Jocelyn Newman name on his court transcripts (illegally) and used them against me in court. And for those reasons I ask the court to reverse the decision to dismiss my PCR.

In the state motion to dismiss and conditional order of dismissal, on "Page 6 of 7" the state used those altered transcripts against me to get my PCR dismissed that was (illegal) and shouldn't have been able to be used against me.

on Page 12 of the transcripts from March 25th 2019 (12) The Judge stated "I aint doing this" "Im not agreeing" and told the solicitors "Good luck" on finding another Judge to accept the Plea and terms of Plea.

He "did NOT" accept the Plea, (which means) everything that was said, was not accepted or agreed upon because the Judge said he didnt want anything to do with the case. So the transcripts from a Plea that was not accepted and didnt go through couldn't be used against me in court.

The state did not use transcripts from my Plea Judge that accepted my Plea, Those are "not" transcripts from my Plea that was accepted

The state took transcripts from one Judge and Put another Judge name on it to manipulate the Court into believing something was said at my Plea that wasn't said, which is (illegal)

And for those reasons, I ask the court to reverse the decision to dismiss my PCR and vacate everything.

The state claimed on Page 6 of 7 that I did not tell the court on record that I was promised a 0 to 10 and used false transcripts to make it look like I didn't. I told Judge Jocelyn Newman on record I was promised a 0 to 10 and asked to withdraw the Plea, The state used the wrong transcripts that's why they didn't see that.

The state also stated that I fail to state claim in PCR application, (which is also false) I attached claims that was filed with PCR.

I ask that you please reverse decision to dismiss because the state used falsified documents that's (illegal)