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S.C. SUPREME COURT

The State of South Carolina  
[ In The Supreme Court ]  
Appeal from The Administrative Law Court  
Jocelyn Newman, Chief Administrative Judge  
Fifth Judicial Circuit Court  
Case No: 2022-000355

The State Respondent  
V.  
Matthew Jamison #267844 Appellant

Explanation as to why the determination  
of Judge Jocelyn Newman is improper

Matthew Jamison #267844  
Livesay CI  
P.O. Box 580  
Una, SC. 29378  
M Jamison Appellant

Russell Barlow, II, Esquire  
P.O. Box 11549  
Columbia, SC. 29211  
Attorney for Respondent

## Arguments

Did applicant meet statute of limitation on PCR Application?

Did applicant meet statute of limitation on response to clerk of court?

Did the state misled the courts?

Is applicant current PCR successive and barred by the doctrine of res judicata pursuant to S.C. Code Ann 17-27-20, 17-27-45, and 17-27-90?

Was the determination by Lower Court improper?

The matter come before the court by way of improper determination of applicant PCR application, determined as barred being successive to applicant's prior PCR and or untimely under the statute of limitation.

### The state argue statute of limitation

In conditional order of dismissal states on page 7 of 10: In the present case, applicant is alleging he is entitled to post-conviction relief base on allegations that his counsel was ineffective and his other constitutional right was violated. However, applicant failed to comply with the filing requirement under S.C. Code Ann 17-27-45. Applicant pled guilty on August 28, 2001, and did not pursue a direct appeal. Pursuant to section 17-27-45(A), applicant needed to file his application for PCR on or before August 29, 2002. Applicant did not file his application until October 13, 2020, well beyond the statute of limitations. Moreover, sections 17-27-45(B) and 17-27-45(C) are inapplicable to applicant's current PCR application as he alleges no new right to be applied retroactively, and raised no allegation of newly discovered evidence.

Applicant point out with facts the United States Supreme Court denied his last petition October 7, 2019 as noted in the conditional order of dismissal page 5 of 10. Also noted on same page the ground in current application:

1. Ineffective Assistance of 1st and 2nd PCR Counsel

2. Ineffective Assistance of Appeal Counsel

3. Violation of S.C. Constitution and Rules

Which is all distinguish ground, noted by the state on page 7 of 10 that was based on plea counsel in could not be raised in that PCR because it did not exist at that time.

As of the filin date of present application, applicant attached a US postal service receipt dated October 1st 2020 in Reply to Conditional Order of Dismissal meeting statute of limitation. Then the State file a proposed Final Order of Dismissal dated March 15, 2022 that applicant file to respond to Clerk of Court but submitted a response to Attorney General. That are in appellat opinion being led by fraud, misrepresentation or misconduct by the state by leaving out the proof of service when they submitted Final Order of Dismissal with exhibit of what

applicant filed to clerk of Court that I also have US postal receipt for, that would have prove Richland County Clerk of Court was served. Applicant feel that initiated mistled conduct of the state is why the fact of the case was over look.

### The State Arque Successive Application

In Conditional order of Dismissal states on page 8 of 10, that application must be summarily dismissed because it is successive to applicant previous PCR application. Then stats on page 9 of 10 Here, applicant's current allegations of ineffective assistance of counsel could have been and in fact were raised in the proceeding based on applicant's prior applications for PCR; thus, the current application is successive and barred under section 17-27-90 of the SC Code. Applicant's current allegations are duplicates of the various claims raised in his multiple collateral actions. Applicant has failed to establish any sufficient reason why he could not raise his current allegation in his previous state and federal collateral actions or why this Court should overlook the fact he has raised these exact claims of ineffective assistance in previous applications.

Again the grounds in the current application are on PCR Counsels, and Appeal Counsel. This applicant first time rising violations of his S.C. Constitution and Rules properly that can only be fix by S.C. Courts, One that was acknowledge by Dissent in a seperate opinion by The S.C. Supreme Court [opinion No 27454] but not rise. Applicant could not have had a full opportunity to litigat all his allegation that are distinguishable from those in his prior application.

The lower court dismissal was improper because their exist material issues of facts in the records that in the intrrest of justice required the proper view of what is fair right, Fundamental Procedual Due Process.