

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Walton J. McLeod, IV, Chief Administrative Judge

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Case No. 2019-CP-32-1382

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State of South Carolina, . . . . . Respondent,  
v.  
Jabbar J. Straws, # 231018, . . . . . Appellant.

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NOTICE OF APPEAL

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Jabbar J. Straws appeals the order of the Honorable Walton J. McLeod, IV, dated June 20, 2022. Appellant received written notice of entry of this order on June 28, 2022.

July 12, 2022

Other Counsel of Record:  
Lillian L. Meadows, AAG  
South Carolina Attorney General Office  
P.O. Box 11549  
Columbia, SC 29211



Jabbar J. Straws  
# 231018  
430 Oaklawn Rd,  
Pelzer, SC 29669

**RECEIVED**  
JUL 14 2022  
S.C. SUPREME COURT

FILED

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF LEXINGTON ) FOR THE ELEVENTH JUDICIAL CIRCUIT

2022 MAR 25 PM 2:20  
LISA M. CONER  
CLERK OF COURT  
LEXINGTON SC

Jabbar Straws, #231018,

Case No. 2019-CP-32-3888

1382 Km

Applicant,

v.

FINAL ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jabbar Straws (Applicant) on April 8, 2019. The State made its return on December 9, 2020, requesting the action be summarily dismissed because requesting the action be summarily dismissed as procedurally barred under the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et. seq. (2014), as it was filed after the statute of limitations had expired; it's successive to previously filed PCR actions; barred under the doctrine of *res judicata* and *laches*; Applicant failed to make a *prima facie* case of newly-discovered evidence; and because continued litigation by Applicant frustrates the need for finality of litigation.<sup>1</sup>

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a conditional order of dismissal signed and filed December 23, 2020, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said order in which to show why the dismissal should not

<sup>1</sup> The State concurrently filed a motion to file the return out of time and response to Applicant's motions for default and summary judgment. On December 23, 2020, this Court issued an order granting the State's motion to file the return out of time and denying Applicant's motions for default and summary judgment. The attached affidavit of service indicates this order was served on Applicant with the conditional order of dismissal on January 28, 2021.

become final. Attached to this final order and incorporated herein by reference is an affidavit of service dated January 28, 2021, serving the above-mentioned conditional order of dismissal on Applicant.

Applicant made a timely response to the conditional order dated February 10, 2021, and filed February 22, 2021. In his response, Applicant contends that he was unlawfully arrested, denied a preliminary hearing, and is illegally detained due to purportedly fraudulent indictments. Applicant previously argued this in his application and extensively addressed in this Court's conditional order. These allegations were denied on the merits in Applicant's first PCR action and federal habeas action.<sup>2</sup> Applicant additionally raised the indictment issue in his second and third actions, both of which were summarily dismissed.

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information set forth in his response, and, therefore, he is not entitled to an evidentiary hearing in this matter. Accordingly, this Court finds no reason why the conditional order of dismissal should not become final.

This Court reasserts its finding in the conditional order of dismissal. **IT IS THEREFORE ORDERED** that for the reasons set forth in the Court's conditional order of dismissal, the


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<sup>2</sup> See *State v. Keenan*, 278 S.C. 361, 296 S.E.2d 676 (1982) (an accused person is not constitutionally entitled to a preliminary hearing in South Carolina); *Whitner v. Duke Power Co.*, 277 S.C. 397, 288 S.E.2d 389, 390 (1982) (a grand jury indictment overrides any potential probable-case-based challenge to a warrantless arrest); *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494, 498–500 (2005) (defects in an indictment do not affect a trial court's subject-matter jurisdiction to try a criminal defendant).

Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE.**

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

**AND IT IS SO ORDERED.**

  
WALTON J. MCLEOD IV  
Chief Administrative Judge  
Eleventh Judicial Circuit

March 25, 2022  
Lexington, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON  
IN THE COURT OF COMMON PLEAS

JABBAR STRAWS, #231018

Applicant,

v.

STATE OF SOUTH CAROLINA


Respondent.

**AFFIDAVIT OF SERVICE**

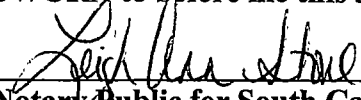
The undersigned hereby certifies that a true copy of the Final Order of Dismissal been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

**Jabbar Straws, #231018 (Q2A-0208-T)  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669**

This 30<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Jennifer Jennison  
Administrative Coordinator for Respondent

SWORN to before me this 30<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Notary Public for South Carolina.  
My Commission Expires: *May 16, 2024*

**RECEIVED**

**JUL 14 2022**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

Jabbar J. Straws, # 231018,  
Applicant,

v.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
For THE ELEVENTH JUDICIAL CIRCUIT

Case No.: 2019-CP-32-1382

SCRPC RULE 59. NEW TRIALS;  
AMENDMENT OF JUDGMENTS  
(e) Motion to Alter or Amend

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by the above-named Applicant on April 8, 2019. On July 17, 2019, Applicant filed a motion for entry of default and affidavit in support of motion because Respondent had not made timely return pursuant to SCRPC 55 and SCACR 12(a). So Applicant then filed a motion for summary judgment on August 22, 2019.

The Respondent finally made its return twenty (20) months later on December 9, 2020. Later filing a conditional order of dismissal on January 28, 2021. Now a final order of dismissal has been filed signed

by Chief Administrative Judge Walton J. McLeod IV on March 25, 2022. Applicant received order on April 5, 2022.

COMES NOW, the above-named Applicant by way of Motion to Alter or Amend Judgment, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure.

The Court erred by signing order dismissing Applicant's post-conviction application without an evidentiary hearing, when Applicant did indeed make prima facie showing in case according to Brown v. Investment Management and Research Inc., 323 S.C. 395, 475 S.E. 2d 754 (1996); Compton v. South Carolina Dept. of Corrections, 392 S.C. 361, 709 S.E. 2d 639 (2011).

Respondent wants this matter to just be swept under a rug but subject-matter jurisdiction is an issue that cannot be waived, and can be raised at any time. Anderson v. Anderson, 299 S.C. 110, 115, 382 S.E. 2d 897, 960 (1989); Carter v. Carter, 329 S.C. 355, 495 S.E. 2d 773 (1998); and Brown v. State, 343 S.C. 342 (2001). This means there is no statute of limitations, and cannot be time barred but needs to be corrected.

The Applicant has clearly shown that he was

denied a whole procedural due process right. Which was fundamental, and violated his rights according to South Carolina and United State Constitutions to have a fair trial.

Once Applicant demanded a preliminary hearing be held pursuant to S.C. code §§ 22-5-320 and 17-23-160, the Magistrate Court erred by transmitting the warrants to the higher court according to State v. Adcock, 194 S.C. 234, 9 S.E. 2d 730 (1940).

Applicant then made a motion to relieve counsel after Magistrate stated "counsel waived hearing." See trial transcript pages 9-30. This motion was heard on June 26, 2006, in Court of General Sessions where Applicant placed Court on judicial notice that his due process right had been violated. Applicant's counsel admitted to waiving hearing, and the Court did not correct it. This was an error on the Court in accordance to State v. Funderburk, 191 S.E. 2d 520 (1972).

The Court was suppose to nolle prose indictments, relief counsel, appoint new counsel, and start process all over. By not doing so, and moving forward with a trial on null indictments, Applicant was illegally convicted and sentenced, and is still serving this

illegal sentence today.

Therefore, State v. Keenan, 278 S.C. 361, 296 S.E. 2d 676 (1982); or State v. Gentry, 363 S.C. 93, 101, 616 S.E. 2d 494, 498-500 (2005); has no legal bearing on this case. They do not even apply, and no other case apply that the Respondent quoted except one.

Applicant has shown that his indictments were the produce of fraud, not a defect, but a criminal act. See S.C. Code Ann. § 16-17-735, Sham legal process.

The indictments in this case were obtained during the time the Court of Common Pleas convened, not General Sessions Court. The month of April. See S.C. Code Ann. § 14-5-760. Therefore, having no legal binding power according to Dove v. Gold Kist Inc., 314 S.C. 235, 442 S.E. 2d 598, 600 (1994). S.C. Constitution Article V § I.

The Respondent quoted Welch v. MacDougall, 246 S.C. 258, 143 S.E. 2d 455 (1965), to show Applicant did not make a prima facie showing, but Welch plead guilty. Therefore, waiving certain rights when Applicant did not. See S.C. Code Ann. §§ 22-5-320, 17-23-160.

Respondent also quoted Blandshaw v. State,

245 S.C. 385, 140 S.E. 2d 784 (1965). This is the one case Respondent got right, and is exactly what Applicant has claimed when he "timely requested for a preliminary hearing in writing 10 days before court." See trial transcript pages 22-25.

"A preliminary hearing IS a habeas corpus hearing, and is a critical stage in the criminal process." Coleman v. Alabama, 339 U.S. 1, 90 S.Ct. 1999, 26 L.Ed. 2d. 387 (1970). So to not give Applicant his full rights is discrimination. See County of Charleston v. Sleepy Hollow Youth, Inc., 340 S.C. 174, 530 S.E. 2d 636 (2000); State v. Small, 336 S.C. 301, 519 S.E. 2d 793 (1999).

How long will the Respondent continue to violate the Constitution that it was sworn to uphold?

WHEREFORE, Applicant has made a prima facie showing, and was entitled to an evidentiary hearing, therefore this case should be reversed and remanded for these reasons, and vacated on the same grounds.

Respectfully submitted,



Date: April 13, 2022  
Pelzer, SC 29669

Page 5 of 5

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LEGAL

S.C. SUPREME COURT  
STRAWS-231018

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

Jabbar J. Straws, #231018,  
Applicant,

V.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE ELEVENTH JUDICIAL CIRCUIT

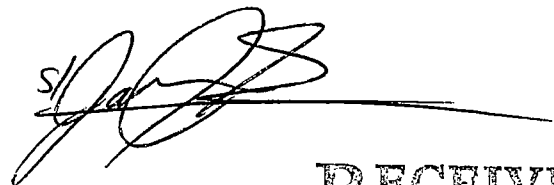
Case No.: 2019-CP-32-1382

CERTIFICATE OF SERVICE

I, Jabbar J. Straws, #231018, (Applicant) hereby certifies that a true copy of SCRPC RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS, (e) Motion to Alter or Amend, has been served on Respondent by depositing a copy in U. S. Mailing service at the following address:

Lillian L. Meadows, AAG  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, S. C. 29211

April 13, 2022



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JUL 14 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
) )  
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Jabbar Straws, #231018, )  
) )  
Applicant, )  
) )  
v. )  
) )  
State of South Carolina, )  
) )  
Respondent. )  
) )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-32-1382

**RETURN TO APPLICANT'S MOTION  
TO ALTER OR AMEND PURSUANT  
TO RULE 59(E), SCRPC**

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jabbar Straws (Applicant) on April 8, 2019. The State made its return on December 9, 2020, requesting the action be summarily dismissed as procedurally barred under the Uniform Post-Conviction Procedures Act (Act),<sup>1</sup> as it was filed after the statute of limitations had expired; it is successive to Applicant's prior PCR actions; it is barred by the doctrines of *res judicata* and *laches*; Applicant failed to make a *prima facie* case of newly-discovered evidence; and because continued litigation by Applicant frustrates the need for finality of litigation.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a conditional order of dismissal signed and filed December 23, 2020, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said order in which to show why the dismissal should not become final.

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<sup>1</sup> S.C. Code Ann. §§ 17-27-10 to -160.

Applicant made a timely response to the conditional order dated February 10, 2021, and filed February 22, 2021. In his response, Applicant argued that he was unlawfully arrested, denied a preliminary hearing, and is illegally detained due to purportedly fraudulent indictments. These allegations were denied on the merits in Applicant's first PCR action and federal habeas action. Applicant additionally raised the indictment issue in his second and third actions, both of which were summarily dismissed.

This Court subsequently issued a final order on March 25, 2022, denying relief and dismissing the action with prejudice for the reasons set forth in the conditional order of dismissal. Specifically, this Court found Applicant was not entitled to a hearing in this matter because he failed to make *prima facie* showing he is entitled to relief. The State served Applicant with the final order of dismissal via U.S. mail on March 30, 2022, which Applicant received on April 5, 2022.

On April 20, 2022, Applicant filed a motion to alter or amend pursuant to Rule 59(e), SCRPC. In response to this motion, the State submits the following:<sup>2</sup>

1. Applicant first makes a conclusory statement that he made proper a *prima facie* showing that he is entitled to relief pursuant to *Brown v. Inv. Mgmt. & Rsch., Inc.*, 323 S.C. 395, 475 S.E.2d 754 (1996)<sup>3</sup> and *Compton v. S.C. Dep't of Corr.*, 392 S.C. 361, 709 S.E.2d 639 (2011)<sup>4</sup> based on the trial court's purported lack of subject matter jurisdiction. Specifically, Applicant contends

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<sup>2</sup> A proposed order consistent with this return is concurrently submitted for the Court's consideration.

<sup>3</sup> *Brown* involved a jurisdictional issue and the plaintiff's burden of making a pre-trial *prima facie* showing that the trial court has personal jurisdiction over the defendant.

<sup>4</sup> *Compton* involved the plaintiff's requirement to make a *prima facie* showing of entitlement to relief in order to be granted to a preliminary injunction.

this claim is not barred by the statute of limitations nor can it be waived. The State submits this Court properly found this allegation is procedurally barred by the doctrine of *res judicata* because it was raised and ruled upon by Judge McIntosh in Applicant's first post-conviction relief action.

2. Applicant specifically claims the circuit court lacked subject matter jurisdiction over his case based on the fact that he did not receive a preliminary hearing pursuant to S.C. Code Ann. §§ 17-23-160 and 22-5-320. This allegation is meritless. In considering Rule 2, SCRCrimP and section 17-23-160, our Supreme Court in *State v. McClure* held that "a defendant's right to request a preliminary hearing is provided solely by state statute. It is not required by either the State or Federal Constitution and is not necessary before a grand jury can indict a person for a crime." 277 S.C. 432, 434, 289 S.E.2d 158, 160 (1982). Rather, "[t]he indictment itself constitutes a finding of probable cause and thus avoids the need for a preliminary hearing." *Id.*; see also *State v. Ballington*, 346 S.C. 262, 269, 551 S.E.2d 283, 284 (Ct. App. 2001) ("Rule 2, SCRCrimP terminates a magistrate's jurisdiction over a non-magistrate level offense when the defendant is indicted by a grand jury."), *overruled on other grounds by State v. Belcher*, 385 S.C. 597, 685 S.E.2d 802 (2009)).
3. Applicant's reliance on S.C. Code Ann. § 22-5-320 in support of his claim the trial court lacked jurisdiction is similarly misplaced. Our Supreme Court has found that the provisions of section 22-5-320 violate S.C. Const. Art. V, § 11 and are unconstitutional to the extent that the statute purports to deprive the

court of general sessions of jurisdiction to try criminal defendants who have demanded a preliminary hearing but have not been provided one by the magistrate's court. *See generally State v. Keenan*, 278 S.C. 361, 296 S.E.2d 676 (S.C.1982).

4. Applicant further contends his indictments were “the produce[sic] of fraud” and constitute a “sham legal process” under S.C. Code Ann. § 16-17-735. He specifically contends his indictments have no legal binding power because they were obtained during a common pleas term rather than a general sessions term. However, according to the April 2006 calendar, a general sessions term of court took place in Lexington County the week Applicant was indicted.<sup>5</sup>
5. However, even if Applicant was correct that only a common pleas term was held in Lexington that week, a grand jury is not unlawfully empaneled simply because it does not meet during a term of court as provided for in sections 14-5-620 to -820. *See State v. Jeffcoat*, 26 S.C. 114, 1 S.E. 440, 441 (1887) (“[M]erely changing the time for holding the court did not make the grand jury illegal.”). Rather, a grand jury may meet at any time ordered by a circuit judge. *See* S.C. Code Ann. §§ 14-5-910 to -940 (allowing for terms of court not provided for by law); *see also Re: Duties of Circuit Court Chief Judges for Administrative Purposes* (S.C. Sup. Ct. Order filed Feb. 4, 2011), as amended June 29, 2019 (authorizing chief judge for administrative purposes to “determine the dates for the convening of the grand jury in the various counties within the judicial circuit”).

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<sup>5</sup> <https://sccourts.org/calendar/dspTermsCR.cfm#11>

6. Further, Applicant's claim his indictments are invalid because the circuit court had "no legal binding power" is meritless. Our Supreme Court has determined that the rules regarding term of court do not deprive the circuit court of subject matter jurisdiction. *State v. Campbell*, 376 S.C. 212, 217, 656 S.E.2d 371, 374 (2008). In *Campbell*, the Court clarified its previous jurisprudence regarding jurisdiction and the term of court rules, and indicated that the circuit courts retain subject matter jurisdiction over criminal matters regardless of the term of court. *Id.* at 216, 656 S.E.2d at 373 (citing *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494 (2005)). Accordingly, Applicant's claim pertaining to his allegedly invalid indictments is meritless.

*[Conclusion and signature on following page]*

Based on the foregoing, this Court should deny Applicant's motion, as Applicant has failed to raise any issues not previously ruled upon or any claim requiring reconsideration, alteration, or amendment pursuant to Rule 59, SCRCP.

Respectfully submitted,

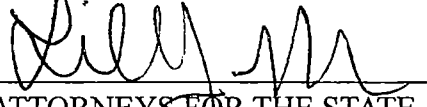
ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

LILLIAN L. MEADOWS  
Assistant Attorney General

By:

  
ATTORNEYS FOR THE STATE  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

May 3, 2022

**RECEIVED**  
**JUL 14 2022**  
**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
Jabbar Straws, #231018 )  
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Applicant, )  
 )  
vs )  
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State of South Carolina, )  
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Respondent, )  
\_\_\_\_\_ )

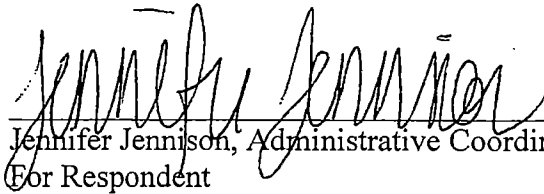
IN THE COURT OF COMMON PLEAS  
**2019-CP-32-1382**

CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to Applicant's Motion to Alter or Amend Pursuant to Rule 59(e), SCRCF in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Jabbar Straws, #231018 (Q2A-0208-T)**  
**Perry Correctional Institution**  
**430 Oaklawn Road**  
**Pelzer, SC 29669**

DATED this the 3<sup>rd</sup> day of May, 2022.

  
\_\_\_\_\_  
Jennifer Jennison, Administrative Coordinator  
For Respondent

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**JUL 14 2022**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

**FILED**

2022 JUN 20

AM 6:03

IN THE COURT OF COMMON PLEAS  
THE ELEVENTH JUDICIAL CIRCUIT

Jabbar Straws, #231018,

LISA M. COHER  
CLERK OF COURT  
LEXINGTON SC

Case No. 2019-CP-32-1382

Applicant,

v.

State of South Carolina,

Respondent.

**ORDER DENYING APPLICANT'S MOTION  
TO ALTER OR AMEND PURSUANT  
TO RULE 59(E), SCRPC**

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jabbar Straws (Applicant) on April 8, 2019. The State made its return on December 9, 2020, requesting the action be summarily dismissed as procedurally barred under the Uniform Post-Conviction Procedures Act as it was filed after the statute of limitations had expired; it is successive to Applicant's prior PCR actions; it is barred by the doctrines of *res judicata* and *laches*; Applicant failed to make a *prima facie* case of newly-discovered evidence; and because continued litigation by Applicant frustrates the need for finality of litigation.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a conditional order of dismissal which was filed December 23, 2020, provisionally denying and dismissing this action. The order gave Applicant twenty days from the date of service to show why the dismissal should not become final.

Applicant made a timely response to the conditional order that was filed on February 22, 2021. In his response, Applicant argued that he was unlawfully arrested, denied a preliminary hearing, and is illegally detained due to purportedly fraudulent indictments. These allegations were denied on the merits in Applicant's first PCR action and federal habeas action. Applicant additionally raised the indictment issue in his second and third actions, both of which were summarily dismissed.

This Court subsequently issued a final order on March 25, 2022, denying relief and dismissing the action with prejudice for the reasons set forth in the conditional order of dismissal. Specifically, this Court found Applicant was not entitled to a hearing in this matter because he

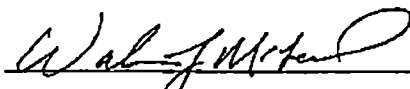
failed to make *prima facie* showing he is entitled to relief. The State served Applicant with the final order of dismissal via U.S. mail on March 30, 2022, which Applicant received on April 5, 2022.

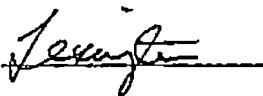
On April 20, 2022, Applicant filed a motion to alter or amend pursuant to Rule 59(e), SCRCF.

This Court has reviewed its findings set forth in the conditional and final orders of dismissal, and finds Applicant failed to raise any issues not previously ruled upon or any claim requiring reconsideration, alteration, or amendment pursuant to Rule 59, SCRCF. *See I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). Accordingly, Applicant's motion to alter or amend pursuant to Rule 59(e), SCRCF, is **DENIED**.

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

**AND IT IS SO ORDERED.**

  
WALTON J. MCLEOD, IV  
Chief Administrative Judge  
Eleventh Judicial Circuit

 South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON  
IN THE COURT OF COMMON PLEAS

JABBAR STRAWS, #231018

Applicant,

v.

STATE OF SOUTH CAROLINA

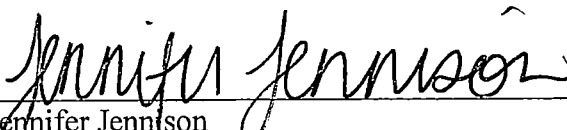
Respondent.

**AFFIDAVIT OF SERVICE**


The undersigned hereby certifies that a true copy of the Order Denying Applicant's Motion to Alter or Amend Pursuant to Rule 59 (e), SCRPC been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

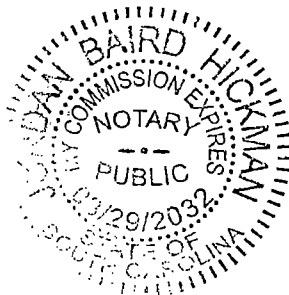
**Jabbar Straws, #231018 (Q2A-0208-T)  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669**

This 22<sup>nd</sup> day of June, 2022.

  
Jennifer Jennison  
Administrative Coordinator for Respondent

SWORN to before me this 22<sup>nd</sup> day of June, 2022.

  
Notary Public for South Carolina.  
My Commission Expires: 03/29/2032



**RECEIVED**  
JUL 14 2022  
S.C. SUPREME COURT



1           (The following proceedings were reported on  
2 June 23, 2006).

3           CLERK: This is a motion in the case of State  
4 versus Jabbar Straws.

5           MR. WEDEKIND: Before the Court is Mr. Jabbar  
6 Straws. This case is being called for trial on Monday.  
7 I received in the mail a letter, I believe about two  
8 weeks ago, and Ms. Fullwood was on vacation.

9           I forwarded -- or informed Mr. Arie Bax, her  
10 co-counsel, about the nature of the letter; and we  
11 presented it to Ms. Fullwood this week. Since it's  
12 called for trial, the substance of the letter dealt with  
13 his desire to seek new counsel.

14           I will leave that before Mr. Straws now. We  
15 just wanted to resolve this today before we got to the  
16 trial Monday.

17           THE COURT: What letter are you referring to?

18           MR. WEDEKIND: Do you have a copy? It's a  
19 motion to relieve counsel.

20           MS. FULLWOOD: It's a pro se motion that he  
21 apparently sent to Mr. Wedekind.

22           THE COURT: Do you have a copy of it?

23           MR. WEDEKIND: Downstairs, sir. I presented  
24 it to them. Since it was his motion, I thought they  
25 would present it. I will get it for you.

1 THE DEFENDANT: I have a copy, Your Honor.

2 THE COURT: Have you got it on you?

3 THE DEFENDANT: Yes, sir. I mailed  
4 Ms. Fullwood a copy and I mailed the Clerk of Court a  
5 copy and a copy to the bar association.

6 THE COURT: Officer, if you would hand that to  
7 me, please.

8 (Hands to Court).

9 THE COURT: So it appears that you wrote a  
10 letter, and you signed the letter dated June 7, 1906,  
11 (sic) to Ms. Fullwood, who is one of your attorneys?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: Mr. Bax is another of your  
14 attorneys?

15 THE DEFENDANT: He is supposed to be assisting  
16 her, yes, sir.

17 THE COURT: You wrote a letter that you no  
18 longer wish for Ms. Fullwood to represent you as your  
19 legal counsel?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: Is that correct?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: So you want to relieve  
24 Ms. Fullwood as your attorney?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And what about Mr. Bax?

2 THE DEFENDANT: Yes, I would feel  
3 uncomfortable because she is his boss. So it would  
4 cause some conflict of interest, Your Honor.

5 THE COURT: It's my understanding that the  
6 State is going to call your case for trial -- next  
7 week?

8 MR. WEDEKIND: Yes, sir, Monday.

9 THE COURT: If I relieve Ms. Fullwood and I  
10 relieve Mr. Bax and they call your case for trial on  
11 Monday, are you going to have a lawyer?

12 THE DEFENDANT: I can't afford an attorney at  
13 this time, Your Honor.

14 THE COURT: Then you are going to want another  
15 lawyer? Is that what you are trying to tell me?

16 THE DEFENDANT: I would need to have a lawyer  
17 appointed, yes, Your Honor.

18 THE COURT: Sir?

19 THE DEFENDANT: Yes, sir, Your Honor.

20 THE COURT: Why do you want to relieve  
21 Ms. Fullwood and Mr. Bax? Ms. Fullwood is a very  
22 experienced attorney and a very experienced trial  
23 lawyer; and although Mr. Bax may not have as much  
24 experience, he is a very fine attorney also.

25 THE DEFENDANT: Well, to be honest, totally

1 honest, Your Honor, I don't have any complaints towards  
2 Mr. Bax, but I feel disappointed to even be here,  
3 discouraged, because I truly feel like Ms. Fullwood has  
4 not been -- I feel uncomfortable with her as my  
5 representation.

6 She has done many things without my consent in  
7 this case, even waiving hearings, preliminary hearings.  
8 I got a forged document with her waiving my first  
9 appearance, and none of this has been discussed with me  
10 at all.

11 I wouldn't even know what the beginning of our  
12 opening argument would be about if we were going to  
13 trial. She has visited me many times, but the visits  
14 they all have been, you know, basically what the  
15 solicitor has been asking her to bring to me, Your  
16 Honor. I just really don't feel comfortable with her as  
17 my representation.

18 THE COURT: You know under the Constitution,  
19 you are entitled to an attorney if you cannot afford an  
20 attorney, but you are not entitled to an attorney of  
21 your choice.

22 THE DEFENDANT: I understand, Your Honor, but  
23 I would really expect her to -- or the attorney that is  
24 appointed to do a job as expected, Your Honor.

25 THE COURT: Ms. Fullwood, anything you care to

1 say?

2 MS. FULLWOOD: No, Your Honor, unless the  
3 Court has any specific questions of me.

4 THE COURT: How long have you represented  
5 Mr. Straws?

6 MS. FULLWOOD: For quite some time. We  
7 originally opened the file in 2004 for some unrelated  
8 charges. Then when he was arrested last December, I  
9 picked up those charges. I have talked to him on  
10 several occasions at the jail as far as the nature of  
11 these charges, the evidence against him.

12 In fact, Mr. Bax and I got permission from  
13 Major Harris to meet with him one-on-one outside of the  
14 attorney conference room so we could show him some  
15 stills from a video that the State intends to put in  
16 evidence since we had to use a computer and actually be  
17 with him to show him that, and Major Harris let us do  
18 that. I'm not sure what else to tell Your Honor.

19 THE COURT: Was this the first notice that you  
20 received Ms. Fullwood that he wanted to relieve you as  
21 his counsel?

22 MS. FULLWOOD: Yes, sir. In fact, I never  
23 received a copy of that letter. He called me, I guess  
24 it was yesterday or the day before, and asked me if I  
25 had received a letter. I told him no. Then

1 Mr. Wedekind told me he, in fact, had received the  
2 letter or a copy of the motion.

3 THE COURT: So you never received a letter but  
4 Mr. Straws called you when?

5 MS. FULLWOOD: The day before yesterday and  
6 asked me if I had gotten the letter. The letter could  
7 have been lost in the mail or whatever.

8 THE DEFENDANT: Your Honor, the letter was  
9 never returned to sender back to me. I also called the  
10 Clerk of Court to ask them had they received my motion.

11 Another thing that I do want to point out is  
12 that she did take her time to come and present some  
13 evidence that the State had against me. But when she  
14 did that, they also erased those stills.

15 That's evidence I do not have in my motion of  
16 discovery. So whether they're going to use it as  
17 evidence or not, I still don't know to this point.

18 THE COURT: I didn't quite follow what you  
19 said.

20 THE DEFENDANT: My representation presented  
21 that as evidence that the State is going to use against  
22 me, the prosecutor is going to use against me, but I  
23 received some copies of some other pictures that she  
24 sent me in a motion that week.

25 She asked me did I receive it. So I was

1 expecting it to be the pictures that she was showing me  
2 on that day, but I do not have a copy of that in my  
3 motion.

4 MS. FULLWOOD: What that is, Judge, there is a  
5 digital videotape. Mr. Wedekind provided, through  
6 discovery, a copy of it. Unfortunately there is only  
7 one computer in my office that we were able to run that  
8 C.D. on. It is the file server. It is huge. We cannot  
9 drag it to the jail. We can't disrupt our -- we can't  
10 put our server down.

11 THE COURT: I understand.

12 MS. FULLWOOD: What we were able to do -- or  
13 what Mr. Bax was able to do -- is isolate certain still  
14 photographs from that C.D., copied them to the hard  
15 drive of the file server, and then put a copy of those  
16 stills on the laptop that we took to the jail.

17 THE COURT: I understand.

18 MS. FULLWOOD: So I guess the answer is: No,  
19 he doesn't have a copy of that because it came in a C.D.  
20 rather than on paper in discovery. So we showed him  
21 what we were able to show him on the computer.

22 THE DEFENDANT: Your Honor, my comment toward  
23 that was I would be thinking that maybe they could print  
24 out, a computer printout, a copy of it to send to me.

25 Also, even though she may have not received a

1 letter from me about this situation, Your Honor, I  
2 verbally expressed it in a prior meeting that I no  
3 longer wanted her as my counsel verbally, maybe two  
4 months ago.

5 THE COURT: Well, you have got one of several  
6 options today.

7 MR. WEDEKIND: Your Honor, if I may, just to  
8 augment the record on this one particular issue. I  
9 think we served trial notice about six weeks ago with a  
10 plea offer that was extended beyond that. But the trial  
11 notice was out there, I believe, about four weeks ago.

12 We had some plea negotiations going on, and he  
13 was brought over for the opportunity to plead before  
14 another judge. He declined that opportunity and then we  
15 said: Okay, be prepared -- told him at that point,  
16 said: Be prepared for the trial. The offer has  
17 expired.

18 Sometime, not this week but the week before, I  
19 got this letter, opened the envelope, saw that the  
20 nature of the request was for having Ms. Fullwood  
21 relieved as his counsel.

22 I informed Mr. Bax over the telephone -- who  
23 was preparing for another trial -- but I informed him  
24 verbally of the context of what the letter was about.  
25 Ms. Fullwood was on vacation at that time.

1           So the beginning of this week I provided a  
2 Xerox copy of the letter to Mr. Bax to forward to  
3 Ms. Fullwood, which I think he has done, and that's  
4 where we are today, sir.

5           THE COURT: And you don't question anything  
6 about notice for the trial for Monday? You have  
7 received notice and received notice a good while ago  
8 that your case was being called for trial?

9           THE DEFENDANT: Yes, I did, but not for  
10 particularly Monday. But, Your Honor, we had some  
11 disagreements. We had some misunderstanding about a  
12 plea agreement.

13           When Ms. Fullwood presented the plea agreement  
14 to me, I had already verbally expressed to her that I  
15 wanted her dismissed off my case. Then when she brought  
16 the plea agreement to me, she was saying that the plea  
17 agreement was for an open plea of armed robbery, which I  
18 am being charged with, and an open plea of assault and  
19 battery with intent to kill.

20           When I get to court, the solicitor presents to  
21 me that the plea agreement is for kidnapping and armed  
22 robbery. So she didn't have the plea agreement  
23 appropriate. So I really didn't understand what I was  
24 pleading to.

25           THE COURT: How do you know it was her that

1 didn't have it appropriate and not the solicitor?

2 THE DEFENDANT: Well, she explained it to me.  
3 Then when I got to court, he said what he said. They  
4 said two different things, Your Honor.

5 MR. WEDEKIND: Actually the offer was for  
6 armed robbery and an A.B.W.I.K., sir. I never did offer  
7 the kidnapping. I don't know where that came from.

8 THE COURT: There you go.

9 THE DEFENDANT: So the kidnapping that was  
10 presented to me in court --

11 THE COURT: You don't talk to each other, you  
12 talk to me.

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: Here are your options. Having no  
15 motion for continuance before me, I think you have one  
16 of three options if they call this case for trial  
17 Monday, separate and distinct from pleading. That is  
18 not before me. I have nothing to do with that  
19 whatsoever.

20 You can go to trial and you can have  
21 Ms. Fullwood and Mr. Bax as your attorneys. That's  
22 option A. Option B., you can go to trial and you can  
23 have Mr. Bax as your attorney. That's option B.

24 Option C. is you can go to trial and you can  
25 have you as your attorney, what they call pro se. So

1 you've got option A., option B., and option C. Option  
2 A. is Ms. Fullwood and Mr. Bax. Option B. is Mr. Bax.  
3 Option C. is you can represent yourself.

4 THE DEFENDANT: And I have no other options,  
5 Your Honor?

6 THE COURT: Sir?

7 THE DEFENDANT: I have no other options, Your  
8 Honor?

9 THE COURT: No, sir. Ms. Fullwood has  
10 represented you on these charges since December of 2005,  
11 as I understand it, sometime in December of 2005. She  
12 told me she has met with you on numerous occasions.  
13 They have reviewed evidence. They have reviewed videos.

14 She has gotten with Mr. Bax and they have  
15 printed stills off of a digital image from a video to  
16 present to you at the jail. She made special  
17 arrangements with Major Harris to meet with you separate  
18 and independent.

19 She presented plea offers to you, and now I am  
20 hearing that those plea offers that she presented to you  
21 are the precise plea offers that the solicitor has  
22 offered.

23 Those are your three options. You can -- you  
24 are welcome to tell me now or you are welcome to tell me  
25 when they bring you over here Monday to try you. I

1 think you need to tell your lawyers if you want them to  
2 be your lawyers so they can continue to work and prepare  
3 your case, which I am sure they have done.

4 THE DEFENDANT: Your Honor, my complaint is  
5 that it has not been done to the fullest of her  
6 capabilities. She has not done things -- I have a  
7 motion right now. I have papers where she forged  
8 things. Things have not been discussed as they should  
9 have. That's what I'm presenting before the Court.

10 THE COURT: What paper that's been forged?

11 THE DEFENDANT: I have this right here. I  
12 need the copies of the letter and the motions back for  
13 my personal files, Your Honor.

14 THE COURT: Will you get those, officer, for  
15 me.

16 (Hands to Court).

17 THE DEFENDANT: And other motions from when I  
18 talked to the Clerk of Court, other motions have been  
19 filed on my behalf from the defense without my consent  
20 also as well.

21 (Hands to Court).

22 THE DEFENDANT: Probably a motion for a speedy  
23 trial.

24 THE COURT: Is this standard procedure when an  
25 inmate is in jail?

1 MS. FULLWOOD: Yes, sir. What happens is the  
2 attorneys at my office sign for the client, and then we  
3 forward them a copy of that.

4 THE COURT: Right. This, quite frankly, is  
5 not a forgery.

6 THE DEFENDANT: Can I ask you a question, Your  
7 Honor?

8 THE COURT: Yes, sir.

9 THE DEFENDANT: It clearly states the  
10 Defendant's signature. The judge never signs off on it,  
11 and she brings everything else to me. From what I  
12 understand, I supposed to have signed this, Your Honor.  
13 I had no idea of this motion.

14 THE COURT: Mr. Straws, A., that is not a  
15 critical stage in the criminal process. B., you had an  
16 attorney who appeared on your behalf at the -- was that  
17 the first or second appearance?

18 MS. FULLWOOD: An appearance.

19 THE COURT: At the appearance. That is the  
20 standard procedure in this county when a defendant is  
21 incarcerated. They are not brought over for that  
22 particular appearance.

23 That does not prejudice your rights in any  
24 manner. As a matter of fact, that could have helped  
25 your rights because you could have been in a jail van on

1 the way over here, you could be over here and you could  
2 make some incriminating statement or something of that  
3 effect.

4 I don't know why you find that to be comical,  
5 Mr. Straws, because I don't think any of this is really  
6 comical.

7 THE DEFENDANT: I just felt she maybe would  
8 have brought the form for me to sign off, Your Honor.  
9 Also, what about the waiving of my preliminary hearing,  
10 Your Honor, that I applied for before I was even  
11 appointed counsel?

12 THE COURT: What about what now?

13 THE DEFENDANT: The waiving of my preliminary  
14 hearing. Before I was even appointed counsel, I applied  
15 for it, and it was waived without my consent. That was  
16 the first complaint.

17 THE COURT: Ms. Fullwood.

18 MS. FULLWOOD: That's correct. When I already  
19 have discovery, Your Honor, I waive preliminary  
20 hearings. In my opinion after 27 years, they are a big  
21 waste of time.

22 In this county especially, your questions are  
23 limited to "probable cause." They are short. I learn  
24 much more through the discovery than I ever learn at a  
25 preliminary hearing. I think my time as a lawyer is

1 better spent doing other things.

2 MR. WEDEKIND: Your Honor, I can attest that  
3 she did file for discovery. As soon as I got the  
4 materials requested from the officers, we provided that  
5 discovery. There has been requests for augmentation to  
6 the discovery from Mr. Bax and Ms. Fullwood. We have  
7 complied with that.

8 They have shown up in my office numerous times  
9 to view the discovery. Up until two days ago, I think,  
10 Ms. Fullwood and I went over exhaustively, along with  
11 Mr. Bax, everything of what the State has in discovery.  
12 They have done many hours of work with myself to prepare  
13 for the case, sir.

14 THE DEFENDANT: What I understand, Your Honor,  
15 it was never discussed with me that it was going to be  
16 waived. When I walked in court, Your Honor, the judge  
17 simply told me: Your attorney has waived your  
18 preliminary hearing. So I thought it was "my right to  
19 have one.

20 THE COURT: As I recall -- and I hate to start  
21 quoting Judge Henry Floyd -- but I recall Judge Floyd  
22 giving somebody a preliminary hearing after we called it  
23 for trial, although it had been true billed in Richland  
24 County one time.

25 I tend to agree with Ms. Fullwood, once you

1 have got discovery, you learn way more through the  
2 discovery process than you ever learn at any preliminary  
3 hearing because the preliminary hearing is not a  
4 discovery proceeding.

5 THE DEFENDANT: I understand, Your Honor, but  
6 it also takes the power, the decision, out of the judge  
7 hands, Your Honor. That's what I feel she's done.

8 THE COURT: Yes, sir. And all your cases have  
9 been true billed by the grand jury, which means 12 out  
10 of 18 people, at the minimum, have found sufficient  
11 evidence that you are most probably guilty and have  
12 returned a true bill on all your indictments. I haven't  
13 looked through all of them. Are any of them no bills?

14 MR. WEDEKIND: No, sir, all have been true  
15 billed, which would take it away from the preliminary  
16 proceedings since the grand jury has true billed them.

17 THE COURT: They would no longer have any  
18 authority.

19 THE DEFENDANT: Before that procedure --

20 THE COURT: I do not find in any way that  
21 would be ineffective assistance of counsel under the  
22 circumstances for a seasoned trial lawyer or any lawyer  
23 who had already gotten discovery. So I guess we have  
24 come full circle, me and you, Mr. Straws.

25 THE DEFENDANT: The only thing I can say, Your

1 Honor, is that the grand jury process, from my  
2 understanding, that it came -- it was after the  
3 preliminary hearing process. So for that preliminary  
4 hearing to be waived, I felt like I haven't been given  
5 my full rights.

6 THE COURT: Well, I take that as a motion, as  
7 part of your motion to relieve Ms. Fullwood. I would  
8 deny that.

9 THE DEFENDANT: My rights have been violated.

10 THE COURT: Excuse me. I couldn't hear you,  
11 I'm sorry.

12 THE DEFENDANT: I said I feel like my rights  
13 have been violated. Yes, I do, Your Honor.

14 THE COURT: We are still back to you needing  
15 to make a decision about one of these options that we  
16 talked about.

17 THE DEFENDANT: Out of the three options, Your  
18 Honor, I mean...

19 THE COURT: Do you recall the options?

20 THE DEFENDANT: Really I feel like I only have  
21 one option because Ms. Fullwood is the head public  
22 defender of the office. Mr. Arie Bax works under her.  
23 So if I ask her to be relieved, which you are not  
24 finding, and I ask Mr. Arie Bax to represent me, it can  
25 still cause some conflict of interest. So I feel like

1 I'm back to C., the only option.

2 THE COURT: I assure you there would be no  
3 conflict. Your options are you can proceed to trial  
4 with Ms. Fullwood and Mr. Bax or you can proceed to  
5 trial with Mr. Bax or you can represent yourself.

6 THE DEFENDANT: I don't have the answer right  
7 now, Your Honor.

8 THE COURT: Well, I think you need to tell  
9 Ms. Fullwood and Mr. Bax your answer. You don't have to  
10 tell me or the solicitor, but you need to tell  
11 Ms. Fullwood and Mr. Bax the answer.

12 THE DEFENDANT: Right now at this time, Your  
13 Honor?

14 THE COURT: You don't have to tell me. You  
15 don't have to tell the solicitor, but you need to -- the  
16 solicitor says he is going to call the case for trial  
17 Monday.

18 Is there anything you would like to place on  
19 the record, Ms. Fullwood, Mr. Bax?

20 MS. FULLWOOD: Yes, sir, I would. I would  
21 like the record to reflect and Mr. Straws to know that  
22 if he choses option B., Mr. Bax, while he is somewhat  
23 familiar with the facts of this case, is not as familiar  
24 with the facts and with the evidence as I am.

25 He is already on the docket for another trial.

1 He is second up on another trial. He has still agreed  
2 to help me with this case, but he would be operating as,  
3 you know, sole counsel in two trials, one of which, this  
4 case, he is not at all familiar with. Mr. Straws would  
5 need to consider those things as he is making his  
6 decision.

7 THE COURT: I want Mr. Straws to have -- these  
8 are competent lawyers right here to your left,  
9 Mr. Straws, both of these lawyers.

10 THE DEFENDANT: They haven't proved that to  
11 me, Your Honor. She hasn't.

12 THE COURT: I want you to have competent  
13 representation and you do. Now, if it's such that you  
14 feel like option B., because of familiarity and other  
15 job duties would not be an appropriate option, I will  
16 remove option B. from the table.

17 He can just have option A. He can go forward  
18 with representation by Ms. Fullwood and Mr. Bax or he  
19 can represent himself. I am not -- if Mr. Bax is not as  
20 familiar with the facts and circumstances of the case, I  
21 certainly understand that, Ms. Fullwood.

22 I have tried many cases with lawyers assisting  
23 me or me assisting lawyers, and I understand exactly  
24 what you are saying. I know that is standard practice.  
25 So you can either keep these two lawyers or you can

1 represent yourself. I suggest that you let them know.  
2 You do not have to let me know. I am denying your  
3 motion.

4 THE DEFENDANT: I just would like to add to  
5 the record, Your Honor, I understand what you are  
6 saying, but my family members have been trying to get in  
7 touch with Ms. Fullwood also.

8 She talked to my fiancée. She asked her about  
9 bond reduction and motions for bond reductions, and  
10 Ms. Fullwood told her that that -- they were not an  
11 option.

12 To me, I mean, it would have better suited me  
13 coming from the solicitor that it would not be an  
14 option. I kind of feel like, you know, I'm kind of  
15 representing myself anyway.

16 THE COURT: Do you want me to hear a bond  
17 reduction motion now?

18 THE DEFENDANT: I mean, if you can.

19 THE COURT: Do you want me to?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: All right, sir. Tell me what the  
22 change of circumstances are between when your bond was  
23 set and now. A bond reduction motion is based on the  
24 fact that you've had a bond, it's too high, there's been  
25 a change of circumstances that would entitle you to have

1 a lower bond.

2 THE DEFENDANT: Well, I couldn't elaborate on  
3 that right now, Your Honor, because I don't have the  
4 knowledge of the basis of the bond being set.

5 THE COURT: All right, sir. Well, I am  
6 denying your motion to relieve Ms. Fullwood and Mr. Bax  
7 as your counsel. Again, you have those two options.

8 Solicitor, are you calling the case for trial  
9 Monday?

10 MR. WEDEKIND: Yes, sir, he will be here  
11 Monday morning.

12 MS. FULLWOOD: If I may, Your Honor.

13 THE COURT: Yes, ma'am.

14 MS. FULLWOOD: I hate to butt in, but I would  
15 like to put it on the record that if there are  
16 persons -- if Mr. Straws wants my office to represent  
17 him and if there are persons that he believes would  
18 assist him in his defense, as far as any testimony, he  
19 needs to let us know the names and the contact  
20 information for those people today.

21 THE COURT: And there will be subpoenas issued  
22 for them today and the sheriffs will go out and serve  
23 those subpoenas.

24 THE DEFENDANT: I understand, Your Honor. The  
25 reason it hasn't been done is because I haven't been

1 comfortable sharing that information with my counsel.

2 THE COURT: Well, you never wrote a letter  
3 until June. I'm kind of plowing the same ground.

4 THE DEFENDANT: Verbally.

5 THE COURT: If you have got some witnesses  
6 that will assist in your defense, give your lawyers  
7 their name and number so that she can prepare subpoenas  
8 so that the sheriff can go out there or her  
9 investigators can go out, whoever does it, and have your  
10 witnesses under subpoena available to testify in your  
11 trial that is going to start Monday or be called for  
12 trial Monday. Okay?

13 THE DEFENDANT: Thank you, Your Honor.

14 THE COURT: All right, sir.

15 THE DEFENDANT: You have a nice day.

16 MS. FULLWOOD: Thank you, Your Honor.

17 (Whereupon the hearing was concluded for June  
18 23, 2006). — *End of Hearing* —

19 (The following proceedings were reported on  
20 June 26, 2006). *Trial*

21 THE COURT: Solicitor, call your case for  
22 trial, please.

23 MR. WEDEKIND: Yes, sir. The State calls the  
24 case of the State versus Jabbar Jomo Straws, Indictment  
25 2006-GS-32-1298, indictment for kidnapping; 1299,