

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Walton J. McLeod, IV, Chief Administrative Judge

Case No. 2019-CP-32-1382

State of South Carolina, v. Respondent,
Jabbar J. Straws, # 23101P, Appellant.

EXPLANATION FOR SUCCESSIVE APPEAL
ACCORDING TO S.C.R.C.P. RULE 243(C)

The Court ruled that the Appellant's claims are successive, time barred by statute of limitations, and did not make prima facie showing for relief.

The reason this does not apply to Appellant and he does deserve relief is because lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by the Supreme

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Court. In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 686 S.E. 2d 683 (2009),

Lack of subject matter jurisdiction may be raised at anytime, can be raised for the first time on appeal, and can be raised sua sponte by the Court. Gantt v. Selph, 423 S.C. 333, 814 S.E. 2d 523 (2018), South Carolina Dept. of Social Services v. Tran, 418 S.C. 308, 792 S.E. 2d 254 (2016).

Appellant was denied a hold initial judicial process when he demanded for a preliminary hearing before trial and was denied that right. State v. Funderburk, 259 S.C. 256, 191 S.E. 2d 520 (1972).

The General Sessions Court lack jurisdiction from this point because magistrate issuing warrants had not conducted preliminary hearing, and erred by transmitting warrants to the higher court. State v. Adcock, 194 S.C. 234, 9 S.E. 2d 730 (1940).

As a result the conviction in this case was done with null and void indictments, and everyday Appellant is serving an illegal sentence which is a "continuing nuisance." See Silvester v. Spring Valley Country Club, 344 S.C. 280, 543 S.E. 2d 563 (2001).

Therefore, every ruling in this case has been done in prejudicial error. Appellant is being discriminated against and being denied equal protection of law by not receiving his full rights.

Every ruling up to today has been done in violation

of South Carolina Constitution Art. I, Section 17, as amended now Art. I, section 11, as well as Amendments 5 and 14 of the United States Constitution.

WHEREFORE, it is the duty of this Honorable Court to correct this grave injustice by overturning the lower court's decision and reversing and remanding this case back for a hearing.

July 12, 2022
Pelzer, SC 29669

Respectfully Submitted,


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