

The Supreme Court of South Carolina

Jabbar J. Straws, 231018,
Appellant,

v.

State of South Carolina,
Respondent.

Appellate Case No. 2022-000974
Lower Court Case No. 2019CP3201382

MOTION NOT TO PROHIBITE
FUTURE FILING IN THE
CIRCUIT COURT

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S.C. SUPREME COURT

The reasons why Appellant should not be barred from filing future petitions are because Appellant is illegally detained on nolle and void indictments. See State v. Funderburk, 259 S.C. 256, 191 S.E. 2d (1972).

Funderburk is the case Appellant has been arguing the entire time he has been incarcerated, the case that applies to his case, and has been denied all rulings according to this case.

Every other case Respondent has used against the Appellant has had no legal baring on his case, and all court rulings have been misplaced.

The Appellant in this case has been and is still being denied due process of law according to the equal protection clause of the South Carolina and United States Constitutions. Therefore, Appellant is being

discriminated against.

The same ruling for Funderburk is the same ruling Appellant deserves.

Appellant in this case has never filed a state habeas corpus but if he did he would deserve relief in that filing as well according to Blandshaw v. State, 245 S.C. 385, 140 S.E. 2d 784 (1965).

The reason Appellant deserves relief and the history is, the Appellant was arrested without warrants and demanded that preliminary hearing be held to determine probable cause for arrest, challenge evidence obtained, and confront accusers against him. He was denied that right. See Trial transcript pages 9-30.

This is where Appellant placed General Sessions Court on judicial notice that his rights had been violated and that they lacked jurisdiction over the case. The Court ignored this complaint and proceeded forward upon nolle and void indictments.

Once Appellant demanded a preliminary hearing be held it was error for magistrate to transmit warrants to higher court, although indictments had been given out and true bills found on them. State v. Adcock, 194 S.C. 234, 9 S.E. 2d 730 (1940).

Lack of subject matter jurisdiction may not be waived,

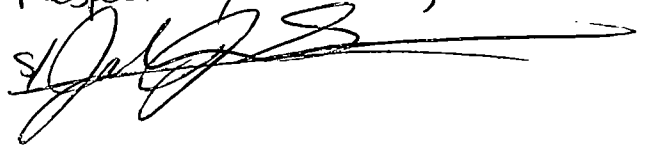
even by consent of the parties, and should be taken notice of by the Supreme Court. In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 686 S.E. 2d 683 (2009).

Lack of subject matter jurisdiction may be raised at any time and may be raised for the first time on appeal. Gantt v. Selph, 423 S.C. 333, 814 S.E. 2d 523 (2018).

Lack 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. South Carolina Dept. of Social Services v. Tran, 418 S.C. 308, 792 S.E. 2d 254 (2016).

WHEREFORE, do to the afore going reasons, the Appellant in this case should not be barred from future filings but granted relief he deserves from this Honorable Court.

Respectfully Submitted,



Pelzer, SC 29669
July 29, 2022

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