

State OF South Carolina
Robert Lee Isom #297314

IN THE APPEAL COURT OF South Carolina
CASE No. 2022-001138

V.

Reason's Why Determination By Circuit Court
OF Charleston County Was Improper.

State OF South Carolina

RECEIVED

SEP 02 2022

Statement of Claim

S.C. SUPREME COURT

Now Comes Appellate Robert Lee Isom #297314, pro, se with Reason's why Determination By Circuit Court of Charleston County Was Improper. In Response to letter from The Supreme Court of South Carolina from clerk of Court Honorable Patricia A. Howard dated: August 19, 2022. Appellate states his action is not barred, successive or untimely under statute of limitations and determination made by the Charleston County Circuit Court was improper. Due to the fact that a denial of due process of law is a defect that can be raised at anytime. Specifically the trial court has the inherent authority to dismiss an indictment where there has been a clear denial of due process. The notice that must be contained in an indictment is a component of due process that is accorded every criminal defendant USCA Const. Amend. 14, Code 1976 § 17-19-20, Evans v. State 611 S.E.2d 510 (2005), State v. Smalls 613 S.E.2d 754 (2004) Although an indictment does not confer subject matter jurisdiction, due process requires that a criminal defendant be properly served with a valid indictment. Thus a denial of due process of law is in fact a defect of law that can be raised at anytime The USCA Const. Amend XIV Section 1 states: In part that all person's born citizens of the United States and of the states wherein they reside no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty, or property without due process of the laws. The Constitution is the supreme law of the land Appellate Counsel was ineffective for failure to raise these issues in violation of the Sixth Amendment to the United States Constitution which states that Appellate must be afforded with effective assistance of counsel as well as in accordance with the Case of Strickland v. Washington, and South Carolina Rules of Professional Conduct. Therefore Based upon these stated facts herein this motion the Court error in dismissing Appellate case and this Court therefore should accept Appellate case and vacate lower court's ruling and vacate sentence.