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SEP 26 2022

S.C. SUPREME COURT

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EXHIBIT (A)

# The Supreme Court of South Carolina

Gary Grant, Petitioner,

v.

State of South Carolina, Respondent.

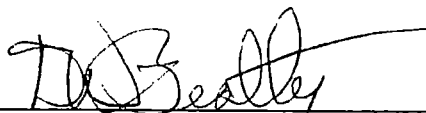
Appellate Case No. 2022-001113

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## ORDER

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Petitioner has filed a notice of appeal from the circuit court's order, which dismissed Petitioner's post-conviction relief action based upon the circuit court's determination that the action is barred as being successive and untimely under the statute of limitations. In his explanation pursuant to Rule 243(c), SCACR, Petitioner has failed to show that there is an arguable basis for asserting the circuit court's determination was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

  
\_\_\_\_\_  
FOR THE COURT

C.J.

Columbia, South Carolina

September 7, 2022

cc:

Megan Harrigan Jameson, Esquire

Gary L Grant, 280988

---

EXHIBIT (B)

FILED

2022 JUL 21 PM 2:46

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )

IN THE COURT OF COMMON PLEAS  
IN THE NINTH JUDICIAL CIRCUIT  
BERKELEY COUNTY, SC

Gary Grant, #280988 )

Case No.: 2019-CP-08-00806

Applicant, )

v. )

**FINAL ORDER OF DISMISSAL**

State of South Carolina, )  
Respondent. )

This matter comes before the Court pursuant to a post-conviction relief application filed by Gary Grant (Applicant) on March 29, 2019. Respondent moved to summarily dismiss the application on July 22, 2020, because it is untimely and successive.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated July 29, 2020, provisionally dismissing the application, but affording the applicant twenty days from service of the conditional order of dismissal as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on October 7, 2020, as evidenced by the attached affidavit of personal service.

Applicant filed several *pro se* documents<sup>1</sup>, including the Applicant's "Motion to Show Why Order Should Not Become Final" on January 25, 2022. In this response, Applicant stated that his decision should not become final because he had newly discovered evidence that the Berkeley

<sup>1</sup> Applicant submitted a *pro se* filing on received by the State on August 27, 2020. Applicant submitted two additional *pro se* filings on January 25, 2021 entitled "Consideration in Case" and "Notification for the Proceeding in Grant v. State." These documents have been reviewed by the Court. The documents substantially align with Applicant's reasoning in his "Motion to Show Why Order Should Become Final," which are filed as true copies of record in this county

DATE

*Heath Querry Duross AC*  
2 JUL 2022

CLERK OF COURT  
C.P. & G.S.  
BERKELEY COUNTY, SC

BM/1

County Grand Jury did not meet in February of 2007, in order to indict him. Additionally, Applicant argued that the court lacked subject matter jurisdiction to convict him due to his indictments being allegedly void, as well as the indictment for murder was allegedly void because it allegedly lacked the specific time and place in the indictments.

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~~This Court has reviewed the response in full and finds it is not sufficient to warrant an~~  
evidentiary hearing. Consequently, this Court finds this application must be summarily dismissed with prejudice.

Subject matter jurisdiction and sufficiency of the indictment are two distinct concepts. An indictment is a notice document, and any insufficiency or defect in the indictment must be challenged before the jury is sworn. *State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005). Whether the indictment could be made more certain is irrelevant. *Baker*, 390 S.C. 56, 62, 700 S.E.2d 440, 442 (Ct. App. 2010). An indictment is sufficient when the offense charged is stated with sufficient certainty to enable a court to know what judgment to pronounce and the defendant to know what he is called upon to answer, and when it apprises the defendant of the elements of the offense that are intended to be charged. *Id.* (citing *Gentry*, 363 S.C. at 102-103, 610 S.E.2d at 500). While Applicant may raise his claims of jurisdiction at any time, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” *Gentry*, 363 S.C. at 101, 610 S.E.2d at 499.

Applicant’s assertion that defective indictments deprived the court of jurisdiction over his case is without merit. First, the indictments were not defective. They state the date, the county, the specific actions constituting the crime, the victim’s identity, and the code section allegedly violated. Second, even if they were defective, the time to challenge them was before trial, not fifteen years later in an action for post-conviction relief. Finally, Applicant has presented no evidence whatsoever to support his claim that the court lacked jurisdiction. He was properly

BM/2

indicted by a Berkeley County Grand Jury that met during the February 2007 term of court, convicted in the Berkeley County Court of General Sessions for a criminal offense committed in Berkeley County. Accordingly, the court had proper jurisdiction.

Furthermore, this Court finds Applicant's claim of newly discovered evidence must be summarily dismissed because Applicant has failed to make a *prima facie* showing he is entitled to relief for his claim. A person may institute a PCR action if "there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice." S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of a material fact not previously presented, under the discovery rule, the PCR application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C). To prevail, Applicant must show the newly-discovered evidence:

- (1) is such that it would probably change the result if a new trial were granted;
- (2) has been discovered since the trial;
- (3) could not in the exercise of due diligence have been discovered prior to the trial;
- (4) is material; and
- (5) is not merely cumulative or impeaching.

*State v. Spann*, 334 S.C. 618, 619-20, 513 S.E.2d 98, 99 (1999).

Applicant has not adequately shown why he is entitled to relief based upon newly discovered evidence. Even if Applicant's allegations concerning the indictments and subject matter jurisdiction passed legal muster, he has failed to show why issues with the charges themselves and the indictments could not have been discovered through reasonable diligence before trial or before his first post-conviction relief proceeding, how this is material, or how it

BM/3

would have changed the results of the proceedings. Accordingly, this Court finds the application shall remain dismissed for failure to establish a *prima facie* case of newly discovered evidence.

Additionally, this Court finds that the application is barred for untimeliness. Applicant was convicted on August 20, 2007, and the records before this Court show that his direct appeal was ~~dismissed on July 27, 2012. The current application was not filed until March 29, 2019~~ six years after the one-year statutory filing period expired. Thus, the Court shall dismiss the matter as barred by the statute of limitations.

Finally, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications, and Applicant has not sufficiently proven why these issues could not have been raised earlier. Thus, the current application is successive and barred.

Before this 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). Applicant has failed to make such a showing based on the information set forth in his response, and, consequently, is not entitled to an evidentiary hearing. Thus, the Court reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed for untimeliness and successiveness. Accordingly, this Court finds no reason why the conditional order of dismissal should not become final.


Bm/4

**IT IS THEREFORE ORDERED** that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice.

This court hereby advises Applicant that 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 this 18 day of July, 2022.

  
\_\_\_\_\_  
THE HONORABLE JENNIFER B. MCCOY  
Chief Administrative Judge  
Ninth Judicial Circuit

Charleston, South Carolina

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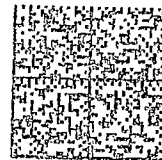
AUG 12 2022

S.C. SUPREME COURT

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EXHIBIT (C)

MR. GARY L. CORANT #Z80988  
LIEBER C.I./RHY/#145  
P.O. Box 205  
RIDGEVILLE, S.C. 29472



US POSTAL  
ZIP 29210  
02 4W  
0000378725

THE SOUTH CAROLINA COURT OF APPEALS  
CLERK, PATRICIA A. HOWARD  
P.O. Box 11330  
COLUMBIA, S.C. 29211

RECEIVED  
AUG 29 2022  
MAILROOM  
LIEBER CI

RECEIVED

8-29-22

SEP 01 2022

MS. HOWARD

S.C. SUPREME COURT

CASE No. 2022-00113

PLEASE BE ADVISED THAT ALL EXHIBITS THAT'S  
APART OF THIS PRESENT CASE SHOULD ALREADY  
BE ON RECORD, I REQUESTED TO PUT MY APPEAL  
TOGETHER BECAUSE THESE OFFICER'S AND  
MAILROOM PERSONNEL AIN'T CARING NOTHING  
ABOUT ME MISSING MY DEAD LEADS, MY  
QUESTION TO THE COURT'S, DO I HAVE TO  
SUBMIT ALL MY EXHIBIT AGAIN TO GO  
ALONG WITH MY APPEAL??? PLEASE NOTIFIED  
ME BACK AS SOON AS POSSIBLE MAYAM...  
IM IN SEBERGATION AND THEY WANT  
MAKE COPIES FOR ME, WANT GIVE ME PAPER  
OR PENS NOR ENVELOPES... I DON'T WANT  
MY CASE TO BE DISMISSED OVER SOME  
THINGS I CAN'T GET TO... DO I HAVE TO  
FILE ALL EXHIBIT AGAIN??? IM GO JUST  
FILE IT WITH THIS LETTER JUST TO BE  
ON THE SAFE SIDE...

DATE: 8-29-22

RESPECTFULLY SUBMITTED!  
Angela J. [Signature]  
Pro-Sec

8-27-22

MS. HOWARD,

PLEASE NOTE FOR THE RECORD THAT THE MAIL ROOM PERSONNEL HERE AT LIEBER WILL NOT NOTARIZE MY MOTION, NOR WILL SHE GIVE ME COPIES SO THAT I CAN SERVE THE S.C.

ATTORNEY GENERAL, HER NAME IS OLC. BOWMAN, SO AT THIS TIME I'M ASKING COULD YOU PLEASE FORWARD A COPIE TO THE A.G. OFFICE AND ME A COPIE BACK?

THANK YOU + GOD BLESS

Ray J. Hunt  
Pro. Se

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SEP 01 2022

S.C. SUPREME COURT

IN THE SOUTH CAROLINA SUPREME COURT  
OF APPEALS...

APPEAL FROM BERKELEY COUNTY  
PCR COURT...

CASE ACTION NUMBER: 2019-CP-08-00806

GARY GRANT V. STATE OF SOUTH CAROLINA

GARY L. GRANT #280988 ..... PETITIONER

v.

STATE OF SOUTH CAROLINA ..... RESPONDENT

**RECEIVED**

AUG 12 2022

S.C. SUPREME COURT

NOTICE OF APPEAL

THE PETITIONER, GARY L. GRANT, APPEALS THE DECISION OF THE SOUTH CAROLINA PCR COURT OF BERKELEY COUNTY DENIAL OF A POST CONTACT-ION RELIEF ACT, BEFORE THE HONORABLE JUDGE JENNIFER B. MCCOY, WHICH WAS ORDER ON JULY 18<sup>TH</sup>, 2022. PETITIONER RECEIVED SAID ORDER BY THE CLERK OF COURT OF BERKELEY COUNTY ON AUGUST 3<sup>RD</sup>, 2022... THIS NOTICE OF APPEAL IS TIMELY FILED ON

THIS DAY OF AUGUST 4<sup>TH</sup>, 2022 BY THE PETITIONER  
IN THIS MATTER, DATE: AUGUST 4<sup>TH</sup>, 2022

PATRICIA A. HOWARD, CLERK OF COURT  
FOR THE SOUTH CAROLINA SUPREME COURT  
OF APPEALS

---

OTHER COUNSEL FOR THE RECORD  
SOUTH CAROLINA ATTORNEY GENERAL  
OFFICE.

P.O. Box 11549

COLUMBIA, S.C. 29211

*S. Gary J. Grant*  
GARY J. GRANT #280988  
BRIE/WATEREE/#1265  
4460 BROAD RIVER RD  
COLUMBIA, S.C. 29210

PRO SE

AUGUST 4<sup>TH</sup> 2022

RECEIVED

AUG 12 2022

S.C. SUPREME COURT

(2)

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

GARY L. GRANT #280988  
PETITIONER

v.

STATE OF SOUTH CAROLINA  
RESPONDENT

IN THE SOUTH CAROLINA  
COURT OF APPEAL

C/A No. 2019-CP-08-00806

NOTARIZED CERTIFICATE  
OF PROOF OF SERVICE

~~RICHLAND COUNTY~~

(SOUTH CAROLINA COURT  
OF APPEAL)

RECEIVED

AUG 12 2022

S.C. SUPREME COURT

I GARY L. GRANT #280988, HEREBY CERTIFY THAT ON  
AUGUST 4<sup>TH</sup> 2022 I SERVED THE ORIGINAL COPIES OF  
THIS NOTICE OF APPEAL AND WRIT OF CERTIORARI  
TO THE SOUTH CAROLINA COURT OF APPEALS AND THE  
ATTORNEY GENERAL OFFICE AT THE ADDRESS BELOW

S.C. COURT OF APPEAL, PATRICIA A. HOWARD, CLERK  
OF COURT, P.O. BOX 11330 COLA, S.C. 29211, AND  
THE S.C. ATTORNEY GENERAL OFFICE, P.O. BOX  
11549 COLA, S.C. 29211

SWORN AND SUBSCRIBED BEFORE ME  
THIS 4<sup>TH</sup> DAY OF AUGUST 2022

James C. Gentry

NOTARY PUBLIC

Dec. 22 2029

MY COMMISSION EXPIRES (3)

Gary L. Grant  
S. GARY L. GRANT  
BRIAN WATKINS/265  
4460 BROAD RIVER  
COLA, S.C. 29210

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

GARY L. GRANT #280988  
APPELLATE,

v.

STATE OF SOUTH CAROLINA  
RESPONDANT,

SOUTH CAROLINA COURT OF APPEALS  
CASE ACTION No: 2022-001113

APPELLATE WRIT OF  
CERTIORARI BROUGHT INTO  
PROPER FORM PURSUANT TO  
S.C.A.C.R. RULE 243(C)

NOW COMES APPELLATE GARY L. GRANT #280988 ACTING  
PRO-SE, FILES UPON THIS COURT HIS ISSUE FOR THE RECORD  
IN HIS WRIT OF CERTIORARI, APPEALING THE DENIAL  
OF BERKELEY COUNTY PCR COURT IN CASE ACTION No:  
2019-CP-08-00806 WHICH WAS RENDER BY ORDER  
ON JULY 18<sup>TH</sup>, 2022 BY JUDGE JENNIFER B. MCCOY...

ISSUE A)

DID THE BERKELEY COUNTY PCR COURT ERROR IN  
FAILING TO GRANT APPELLATE POST CONVICTION  
RELIEF, DUE TO THE ILLEGAL, UNLAWFUL AND  
UNCONSTITUTIONAL CONVICTIONS AND SENTENCES  
DUE TO THE COURT OF BERKELEY COUNTY LACKING

①

SUBJECT MATTER JURISDICTION CLAIM, VIOLATING  
APPELLATE 5<sup>TH</sup> & 14<sup>TH</sup>, CONSTITUTIONAL AMENDMENT  
RIGHTS PURSUANT TO THE DUE PROCESS AND  
EQUAL PROTECTION CLAUSE???

APPELLATE ASSERTS THAT THE BERKELEY COUNTY COURT  
~~ERRORED WHEN THE COURT FAIL TO GRANT APPELLATE~~  
POST CONVICTION RELIEF DO TO THE ILLEGAL, UNLAWFUL  
AND UNCONSTITUTIONAL CONVICTIONS AND SENTENCES  
DUE TO TRIAL COURT OF BERKELEY COUNTY LACKING  
JURISDICTION OVER APPELLATE CRIMINAL ~~CASE~~ CASE

~~Repealed~~

APPELLATE ASSERTS THAT THE COURT OF BERKELEY  
COUNTY LACKED SUBJECT MATTER JURISDICTION OVER  
HIS CRIMINAL CASE BECAUSE HIS CRIMINAL INDICT-  
MENTS WERE NEVER TRUE. BEN BY A GRAND JURY  
OF THAT COUNTY, SEE EXHIBIT (A) BERKELEY COUNTY  
GENERAL SESSION COURT CALENDAR FOR FEB. OF 2007  
WHICH SHOWS THEY WAS NO GENERAL SESSION  
COURTS CONVENING ON GRAND JURY INDICTMENT.

APPELLATE ASSERTS THAT THE COURTS DID NOT HAVE  
JURISDICTION OVER HIS CRIMINAL CASE BECAUSE  
THE INDICTMENTS WAS FRAUDULENT.

APPELLATE ASSERTS THAT THE INDICTMENTS WAS  
NEVER SEEN BY THE GRAND JURY, BECAUSE THE  
PROSECUTION COMMITTED FRAUD UPON THE

INDICTMENTS WHEN THEY SIGNED DATED AND TRUE-BEL THE INDICTMENTS WITHOUT A GRAND JURY.

APPELLATE ASSERTS THAT THE COURT DID NOT HAVE SUBJECT MATTER JURISDICTION OVER THE CASE BECAUSE WITHOUT TRUE-BEL INDICTMENTS THAT HAVE NOT

BEEN PRESENTED TO A GRAND JURY, THEY ARE VOID INDICTMENTS AND THE COURT DOES NOT HAVE POWER TO HEAR AND DETERMINE THE CRIMINAL MATTER

IN THE GENERAL CLASS IN WHICH THE SETTING BELONGS... APPELLATE ASSERTS THAT HE NEVER WANTED PRESENTMENT OF EACH INDICTMENT TO THE BERKE-

LEY COUNTY GRAND JURY... APPELLATE WAS CONVICTED AND SENTENCE ILLEGALLY, UNLAWFULLY AND UNCONSTITUTIONALLY, AND THAT HE IS THE ONLY ONE IN THE STATE OF SOUTH CAROLINA HELD UNDER THE UNJUST RESTRAINT BY THE STATE OF SOUTH CAROLINA.

APPELLATE ASSERTS THAT THE BERKELEY COUNTY PCR COURT WAS APPRAISED OF SUCH EVIDENCE OF THE GRAND JURY NOT PRESIDING OVER APPELLATE INDICTMENTS ON THE DAY OF FEB. 17<sup>TH</sup> 2007... CLEARLY APPELLATE RIGHTS WERE VIOLATED BECAUSE APPELLATE WAS DEPRIVED OF HIS RIGHT PURSUANT TO THE 5<sup>TH</sup> AMENDMENT OF THE U.S. CONSTITUTION AND UNDER S.C. CONST. ART 1§3

AND S.C. CODE OF LAWS § 17-25-10 AND 17-19-10...  
THE SOUTH CAROLINA BERKELEY COUNTY PCR COURT  
ABUSED ITS POWER WHEN THEY FAILED TO GRANT  
APPELLATE POST CONVICTION RELIEF, DUE TO THE  
ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL RESTRAINT  
THE 5TH AMENDMENT OF THE UNITED STATES

---

CONSTITUTION PROVIDES THAT "NO ONE CAN BE HELD  
IN ANY COURT TO ANSWER FOR A CAPITAL, OR  
OTHERWISE INFAMOUS CRIME, UNLESS ON A  
PRESENTMENT TO A GRAND JURY". CLEARLY APPELLATE  
CONVICTIONS AND SENTENCES ARE VOID, IN  
VIOLATION OF S.C. CONST. ART 1§3, S.C. CODE ANN.  
§ SECT ~~17-25-10~~<sup>17-25-10</sup>, WHICH PROVIDE, "NO ONE CAN  
BE PUNISHED UNTIL LEGALLY CONVICTED, IN A  
~~COURT~~ COURT HAVING SUBJECT MATTER JURISDICTION  
OVER THE MATTER. APPELLATE CONVICTIONS  
AND SENTENCES SHOULD BE VACATED, YOUR HONOR  
THE BERKELEY COUNTY PCR COURT PREJUDICE ME  
AND VIOLATED APPELLATE SUBSTANTIAL RIGHTS  
AS WELL IN THIS PROCESS...

### ISSUE (B)

---

DID THE BERKELEY COUNTY PCR COURT ERROR IN  
FAILING TO GRANT APPELLATE A EVIDENTIARY  
HEARING PURSUANT TO (BROWN V. STATE) ON THE  
MERITS OF HIS TRIAL COURT LACKED SUBJECT

---

JURISDICTION CLAIM IN VIOLATION OF APPELLATE 5<sup>th</sup>  
6<sup>th</sup> + 14<sup>th</sup> U.S. CONSTITUTION AMENDMENT RIGHTS  
PURSUANT TO THE DUE PROCESS AND EQUAL PROTECT.  
ION CLAUSE???

APPELLATE ASSERTS THAT THE BERKELEY COUNTY  
PCR COURT ERRED WHEN THEY FAILED TO CONDUCT  
A EVIDENTIARY HEARING PURSUANT TO BROWN V.  
STATE, 313 S.C. 342, 540 S.E. 2D 846 (2001) ON HIS  
TRIAL COURT LACK SUBJECT MATTER JURISDICTION  
CLAIM.

APPELLATE ASSERTS THAT THE BERKELEY COUNTY  
PCR COURT DISMISSED APPELLATE PCR ON THE  
DATE OF JULY 18<sup>th</sup>, 2022, PURSUANT TO BEING  
SUCCESSIVENESS, THIS WAS A PLAIN ERROR YOUR  
HONOR, IN APPELLATE "MEMORANDUM IN SUPPORT  
OF MOTION FOR JUDGEMENT", APPELLATE RAISE  
THE ISSUE OF TRIAL COURT LACK SUBJECT MATTER  
JURISDICTION WHICH CAN BE RAISED AT ANYTIME  
SO THERE FOR THAT CLAIM COULD NOT HAVE HAD  
BEEN SUCCESSIVE, BECAUSE IT CAN BE RAISED  
AT ANYTIME, AGAIN BERKELEY COUNTY PCR JUDGE  
PREJUDICE APPELLATE. APPELLATE ASSERTED IN  
HIS PCR THAT THE COUNTY OF BERKELEY DIDNT  
HAVE SUBJECT MATTER JURISDICTION OVER HIS  
CRIMINAL CASE BECAUSE OF THE PROSECUTION

OVER HIS CRIMINAL ~~CASE~~ CASE AGAINST HIM COMMITTED FRAUD UPON HIS INDICTMENTS BY FAILING TO PRESENT THE INDICTMENTS TO A GRAND JURY OF THAT COURT OF BERKELEY COUNTY. THE PROSECUTION SIGNED ~~AND~~ DATED AND TRUE. BUT THE INDICTMENTS APPELLATE NEVER WAIVED THE INDICTMENTS TO THE GRAND JURY. PURSUANT TO BROWN V. STATE, 313 S.C. 212, 540 S.E. 2D 846 (2001), THE SOUTH CAROLINA ~~COURT~~ SUPREME COURT, LACK OF SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME. ADDITIONAL, THE COURT HAS ESTABLISHED THAT THE ISSUE OF SUBJECT MATTER JURISDICTION CAN NOT BE WAIVED NOT EVEN BY CONSENT OF EITHER PARTIES.

IN TURNING TO THE UNITED STATE SUPREME COURT, IN U.S. V. COTTON, 122 S.C.T. 1781 (2002) THE COURT HAS HELD THAT THE ISSUE OF SUBJECT MATTER JURISDICTION CAN NOT BE WAIVED NOT EVEN BY CONSENT OF THE PARTIES. THE COURT HAS HELD THAT THE ISSUE IS FUNDAMENTAL AND, IN THIS PRESENT CASE, APPELLATE DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER THE U.S. CONSTITUTION WAS VIOLATED WHEN THE BERKELEY COUNTY PCR COURT DENIED HIM TO AN EVIDENTIARY HEARING ON THE MERITS OF HIS TRIAL COURT LACK OF SUBJECT MATTER JURISDICTION CLAIM. APPELLATE ASSETS

THAT EACH INDIVIDUAL IN THE STATE OF SOUTH CAROLINA  
THAT RAISE THIS CLAIM IS ENTITLED TO AN HEARING  
ON THE MERITS OF THAT CLAIM, UNDER THE DUE  
PROCESS CLAUSE, APPELLATE WAS ENTITLED TO BE  
HEARD, IN A TIMELY MANNER, BEFORE THE COURTS;  
AND BY THE PCR FAILING TO DO SO, BERKELEY

COUNTY PCR JUDGE PREJUDICE APPELLATE...

IN THIS SITUATION, THE PCR COURT ABUSED ITS  
POWER BY DENYING APPELLATE TO A HEARING  
ON HIS CLAIM, OF TRIAL COURT LACK SUBJECT  
MATTER JURISDICTION...

THE FIFTH AMENDMENT OF THE UNITED STATES  
CONSTITUTION AND ART 1311 OF THE SOUTH CAROLINA  
CONSTITUTION GUARANTEES THAT "NO PERSON SHALL  
BE HELD TO ANSWER FOR A PRESENTMENT OR INDICT-  
MENT OF GRAND JURY", S.C. CODE ANN. §17-19-10 (1976)  
RESTATES THE RIGHT TO BE INDICTED BY A GRAND JURY.

THIS PROVISION HAS BEEN INTERPRETED TO MEAN THAT,  
IN THE ABSENCE OF AN INDICTMENT BY A GRAND  
JURY OR A VALID WAIVER OF PRESENTMENT, THE  
CIRCUIT COURT LACKS SUBJECT MATTER JURISDICTION  
OVER THE OFFENSE. CARTER V. STATE, 498 S.E. 2D 773  
(1998). A CIRCUIT COURT HAS SUBJECT MATTER JURIS-  
DICTION OVER THE CONVICTING A CRIMINAL CASE  
IF: (1) THERE HAS BEEN AN INDICTMENT RETURN

TRUE BILLED BY A GRAND JURY WHICH SUFFICIENTLY STATES THE OFFENSE; (2) THERE HAS BEEN A WAIVER OF PRESENTMENT TO THE GRAND JURY INDICTMENT; OR (3) THE CHARGE IS A LESSER INCLUDED CHARGE OF THE CRIME CHARGED IN THE INDICTMENT. CARTER V. STATE, SUPRA. A CIRCUIT COURT LACKS SUBJECT MATTER JURISDICTION AND MAY NOT ACCEPT A GUILTY PLEA IF THE INDICTMENT DOES NOT SUFFICIENTLY STATE THE OFFENSE. BROWNING V. STATE, 465 S.E.2D 358 (1995). THIS COURT HAS HELD THAT AN INDICTMENT FOR MURDER IS SUFFICIENT "IF THE OFFENSE IS STATED WITH SUFFICIENT CERTAINTY AND PARTICULARITY TO ENABLE THE COURT TO KNOW WHAT JUDGEMENT TO PRONOUNCE," "THE DEFENDANT TO KNOW WHAT HE IS CALLED UPON TO ANSWER, AND IF AN ACQUITTAL OR A CONVICTION THERE ON MAY BE PLEADED AS A BAR TO ANY SUBSEQUENT PROSECUTION"; JOSEPH V. STATE, 571 S.E.2D 780, 785 (2002) (CITING) STATE V. OWENS, 552 S.E.2D 745, 751 (2001). THE COURT MUST LOOK AT A MURDER INDICTMENT WITH A PRACTICAL EYE IN VIEW OF THE SURROUNDING CIRCUMSTANCES WHEN DETERMINING WHETHER IT IS SUFFICIENT AND GOOD IN LAW. WINNS V. STATE, 611 S.E.2D 901 (2005). TRUE TEST OF SUFFICIENCY OF INDICTMENT IS NOT WHETHER IT COULD HAVE BEEN MORE DEFINITE AND

~~CERTAIN~~ CERTAIN, BUT WHETHER IT CONTAINS THE NECESSARY ELEMENTS OF THE OFFENSE INTEND TO BE CHARGED AND SUFFICIENTLY APPRISES THE DEFENDANT OF WHAT HE MUST BE PREPARED TO MEET, CODE 1962 § 17-402; STATE V. HAM, 191 S.E. 2D 13, 17 (1972). THE JURISDICTION OF A COURT OVER THE SUBJECT MATTER OF A PROCEEDING IS FUNDAMENTAL. ANDERSON V. ANDERSON, 382 S.E. 2D 897, 900 (1989). "LACK OF SUBJECT MATTER JURISDICTION MAY NOT BE WAIVED, EVEN BY CONSENT OF THE PARTIES AND SHOULD BE TAKEN NOTICE OF BY THIS COURT". ID. IT IS WELLSETTLED THAT ISSUES RELATED TO SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANY TIME, INCLUDING FOR THE FIRST TIME ON APPEAL IN THIS COURT. CARTER V. STATE, 495 S.E. 2D 773 (1998). STATE V. FUNDERBURK, 191 S.E. 2D 520 (1972). FURTHERMORE, "[T]HE ACTS OF A COURT WITH RESPECT TO A MATTER AS TO WHICH HAS NO JURISDICTION ARE VOID". FUNDERBURK, 191 S.E. 2D AT 522; BROWN V. STATE, 540 S.E. 2D 846 (2001). A JUDGEMENT BY A COURT CANNOT BE AFFIRMED WHERE THE COURT HAD NO RIGHT TO ACT. THE ACTIONS AND JUDGEMENT OF THE COURT IN THE ABSENCE OF SUBJECT MATTER JURISDICTION ARE VOID. ID, SEE ALSO, STATE V. SMAUS, 519 S.E. 2D 793 (CT. APP. 1999) (GENERAL RULE THAT LACK OF SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANYTIME

SUPERSEDES S.C. CODE ANN. § 17-19-90). HERE THE LACK OF SUBJECT MATTER JURISDICTION IS A JURISDICTIONAL DEFECT NOT COVER BY THE STATUTE. Hooks v. State, 353 S.C. 48, 577 S.E. 2D 211 (S.C. 2003).

THE SUPREME COURT FURTHER STATED THAT BAINS ELASTIC CONCEPT OF JURISDICTION IS NOT WHAT THE TERM JURISDICTION MEANS TODAY, I.E. THE COURT'S STATUTORY OR CONSTITUTIONAL POWER TO ADJUDICATE THE CASE. ID, "THIS LATTER CONCEPT OF SUBJECT MATTER JURISDICTION, BECAUSE IT INVOLVES A COURTS POWER TO HEAR A CASE, CAN NEVER BE FORTFETTED OR WAIVED. CONSEQUENTLY, DEFECTS IN SUBJECT MATTER JURISDICTION REQUIRE CORRECTION REGARDLESS OF WHETHER THE ERROR WAS RAISED [BELOW]. "ID. U.S. v. Cotton, 122 S.Ct. 1701 (2002); STATE v. GENTRY, 610 S.E. 2D 494.

TURNING TO SOUTH CAROLINA JURISPRUDENCE, WE NOTE THIS COURT HAS HELD THAT SUBJECT MATTER JURISDICTION IS THE POWER OF A COURT TO HEAR AND DETERMINE CASES OF THE GENERAL CLASS TO WHICH THE PROCEEDINGS IN QUESTION BELONGS, PIERCE v. STATE, 526 S.E. 2D 222 (2000), AND THAT ISSUES RELATED TO SUBJECT MATTER JURISDICTION MAYBE RAISE AT ANYTIME. BROWN v. STATE, 540 S.E. 2D 846 (2001). THE LACK OF SUBJECT MATTER JURISDICTION MAY NOT BE WAIVED EVEN BY CONSENT OF THE PARTIES, AND SHOULD BE TAKEN NOTICE OF BY THIS COURT. ID. STATE v. GENTRY, SUPRA.

SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANY TIME, AND THUS, THE SUPREME COURT WAS ABLE TO REVIEW DEFENDANT'S CLAIM THAT TRIAL COURT LACKED SUBJECT MATTER JURISDICTION ON GROUNDS THAT INDICTMENT WAS INSUFFICIENT, EVEN THOUGH HE FAILED TO RAISE THE ISSUE UNTIL HIS PETITION FOR CERTIORARI. Hooks v. STATE, 353 S.C. 48, 577 S.E. 2D 211 (S.C. 2003) CRIMINAL LAW Key 105, 1033.1

LACK OF SUBJECT MATTER JURISDICTION, ON BASIS THAT INDICTMENT FAILED TO CONTAIN NECESSARY ELEMENTS OF CHARGE OFFENSE, WAS A JURISDICTIONAL DEFECT NOT COVERED BY THE STATUTE WHICH REQUIRED THAT OBJECTIONS TO INDICTMENTS BE MADE PRIOR TO SWEARING IN OF THE JURY. Hooks v. STATE, 353 S.C. 48, 577 S.E. 2D 211 (S.C. 2003)... INDICTMENT AND INFORMATION Key 196...

IN STATE V. BENTLEY, 610 S.E. 2D 494, OP. NO. 25949 (S.C. SUP. CT. FILED MARCH 7TH, 2005), WHICH EXPLAINS THAT INDICTMENTS ARE NOTICE DOCUMENT, NOT DOCUMENTS REQUIRED TO CONFER SUBJECT MATTER JURISDICTION, A PRESENTMENT OF AN INDICTMENT OR A WAIVER OF PRESENTMENT IS NOT NEEDED TO CONFER SUBJECT MATTER JURISDICTION ON THE CIRCUIT COURT. HOWEVER, AN INDICTMENT IS NEEDED TO GIVE NOTICE TO THE DEFENDANT OF THE CHARGE(S) AGAINST HIM. S.C. CONST. ART 111 ("NO PERSON MAY BE HELD TO ANSWER FOR ANY CRIME THE JURISDICTION OVER WHICH IS NOT WITHIN

THE MAGISTRATES COURT, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY OF THE COUNTY WHERE THE CRIME HAS BEEN COMMITTED"...; S.C. CODE ANN. § 17-19-10 (2003) ("NO PERSON SHALL BE HELD TO ANSWER IN ANY COURT FOR AN ALLEGED CRIME OR OFFENSE UNLESS UPON INDICTMENT BY A GRAND JURY"...)

~~SOUTH CAROLINA STATUTORY LAW PROVIDES THE FOLLOWING:~~  
EVERY INDICTMENT FOR MURDER SHALL BE DEEMED AND ADJUDGED SUFFICIENT AND GOOD IN LAW WHICH, IN ADDITION TO SETTING FORTH THE TIME AND PLACE TOGETHER WITH A PLAIN STATEMENT, DIVESTED FROM USELESS PHRASEOLOGY, OF THE MANNER IN WHICH THE DEATH OF THE DECEASED WAS CAUSED CHARGE THAT THE DEFENDANT DID FELONIOUSLY WILLFULLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER THE DECEASED. S.C. CODE ANN. § 17-19-30 (1985). THIS STATUTE IS CONSISTENT WITH STATUTES ENACTED IN 1980 AND AMENDED IN 1987. S.C. ANN § 17-19-30 (HISTORY).

BASED ON CASE LAW INTERPRETATION AS DISCUSSED HEREIN, IT APPEARS THIS STATUTE CAN BE BROKEN DOWN AND CONSTRUED AS (1) THE INDICTMENT MUST SET FORTH THE TIME AND PLACE "OF MURDER"; ALTHOUGH THE WORDS "OF MURDER" ARE NOT PART OF THE STATUTE CASES HAVE APPARENTLY READ THESE TERMS INTO THE STATUTE; (2) THE INDICTMENT MUST INCLUDE A PLAIN STATEMENT OF THE MANNER IN WHICH THE DEATH OF THE DECEASED WAS CAUSED; AND (3) THE INDICTMENT MUST CHARGE

THAT THE DEFENDANT, WITH MALICE AFORETHOUGHT, MURDERED THE DECEASED.

TRIAL COURT LACKED SUBJECT MATTER JURISDICTION ON GROUNDS THAT THE MURDER INDICTMENT WAS INSUFFICIENT ON ITS FACE FOR FAILING TO SET FORTH THE TIME ~~AND~~ OF THE ASSAULT AND THE TIME OF DEATH, AS WELL AS THE PLACE OF THE ASSAULT AND PLACE OF DEATH IN THE BODY OF THE INDICTMENT, WHICH IS A NECESSARY ELEMENT OF THE OFFENSE OF MURDER. THE CRIME OF MURDER IS A COMPOSITE ONE AND THE STATE MUST PROVE NOT ONLY THE ASSAULT AND DEATH OCCURRING FROM IT, BUT THE TIME OF THE ASSAULT AND THE TIME OF DEATH, AS WELL AS THE PLACE OF THE ASSAULT AND THE PLACE OF DEATH.

THESE NECESSARY ELEMENTS OF THE CRIME OF MURDER MUST NOT ONLY BE PROVED BEFORE THE ACCUSED MAY BE CONVICTED, BUT THEY MUST BE ALLEGED IN THE INDICTMENT RETURNED AGAINST ACCUSED BY THE GRAND JURY. STATE V. RECTOR, 155 S.E. 385 (1930). THE PROVISION OF THIS SECTION [CODE 1962 § 17-403] RECOGNIZE THAT INDICTMENT FOR MURDER SHALL COMPLY WITH CONSTITUTIONAL REQUIREMENTS. FOR IN THIS SECTION [CODE 1962 § 17-403] IT IS STATED THAT AN INDICTMENT FOR SUCH CRIME SHALL SET FORTH "THE TIME AND PLACE" OF MURDER ALLEGED TO HAVE BEEN COMMITTED. STATE V. RECTOR, SUPRA. IT IS ABSOLUTELY ESSENTIAL IN AN INDICTMENT FOR MURDER THAT THE DEATH OF THE PARTY KILLED SHOULD BE THEREIN, AND IN THE

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ABSENCE OF SUCH ALLEGATION INDICTMENT IS FATALLY DEFECTIVE AND SHOULD BE QUASHED ON MOTION MADE. FURTHERMORE, SUCH A DEFECTIVE INDICTMENT IS BEYOND THE REACH OF AMENDMENT AS TO SUCH ESSENTIAL ALLEGATION. STATE V. BLAKENEY, 11 S.E. 637 (1890) IF AN INDICTMENT FOR MURDER IS DEFECTIVE IN FAILING TO ~~STATE THE PLACE OF DEATH OF THE PARTY KILLED, ON~~ APPEAL THE JUDGEMENT OF CONVICTION BELOW WOULD DEMAND REVERSAL. STATE V. BLAKENEY, SUPRA. ISSUE RELATED TO SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANY TIME. STATE V. SMALLS, 519 S.E. 2D 793 (CT. APP. 1999).

THE ALLEGATIONS OF AN INDICTMENT AS TO THE PLACE OF AN ASSAULT AND THE PLACE OF THE DEATH ARE GENERALLY REGARDED AS ESSENTIAL ALLEGATIONS IN AN INDICTMENT FOR MURDER. STATE V. BOSTICK, 131 S.E. 2D 841 (1963); STATE V. PLATT, 151 S.E. 2D 6 (1930) SUCH ALLEGATIONS AFFECT THE JURISDICTION OR THE ESSENTIAL ELEMENTS OF THE CRIME. I.D. THIS ISSUE HAS BEEN DETERMINED TO BE JURISDICTIONAL IN NATURE AND THIS WAS TIMELY RAISED BY THE APPLICANT.

SEE INDICTMENT FOR MURDER WHICH READS AS FOLLOWS: THAT GARY L. GRANT DIED IN BERKELEY COUNTY ON OR ABOUT THE 2ND DAY OF AUGUST, 2006 WHILE ACTING IN CONCERT WITH CO-DEFENDANTS, FELONIOUSLY, WANTONLY AND WITH MALICE AFORETHOUGHT, KEN AND MURDER ONE DEXTER PERRY, BY MEANS OF BLUNT FORCE TRAUMA TO THE HEAD AND/OR GUNSHOT WOUNDS

AND DEXTER PERRY WHO WAS IN BERKELEY COUNTY AND  
APPROXIMATE RESULT BEING IN VIOLATION OF §16-3-10  
OF THE SOUTH CAROLINA CODE OF LAW (1976) AS AMENDED.  
FURTHERMORE, THE MURDER INDICTMENT WAS INSUFFICIENT  
AS WRITTEN, DUE TO THE FACTS, THAT THESE ALLEGATIONS  
WAS NOT ALLEGED, FACTS NOT FOUND, OR PRESENTED TO,  
OR RETURNED BY GRAND JURY THAT INDICTED HIM BUT  
WAS REFERRED ~~TO~~ ~~TO~~ ~~TO~~ TO DURING TRIAL AFTER  
THE JURY WAS SWORN BY SOLICITOR AND DOCUMENTATION,  
WHICH DID NOT GIVE THE DEFENDANT ADEQUATELY NOTICE  
OF THE CHARGE... THE PLACE OF THE ASSAULT/SHOOTING  
634 DUTCH FORK DR. WHICH IS LOCATED IN LADSON  
S.C. WHICH IS BERKELEY COUNTY AND THE TIME OF  
THE ASSAULT 1:25 AM ON AUGUST 2<sup>ND</sup>, 2006, PLACE OF  
DEATH MEDICAL UNIVERSITY OF SOUTH CAROLINA WHICH  
IS LOCATED IN CHARLESTON COUNTY, THE TIME OF DEATH  
4:10 A.M. IN THE OPERATING ROOM. SEE ATTACH TO  
APPELLATE MOTION, EXHIBIT (B) APPELLATE MURDER  
INDICTMENT, AND EXHIBIT (J) PAGE 2 OF 11 WHICH  
IS THE FORENSIC AUTOPSY FINAL REPORT ATTACHED  
AS WELL WHICH STATES THAT THE VICTIM DIED IN  
CHARLESTON COUNTY AND NOT BERKELEY COUNTY.  
DEXTER PERRY JR WAS ASSAULTED AT 634 DUTCH  
FORK DR. IN BERKELEY COUNTY AND DIED AT  
MEDICAL UNIVERSITY OF SOUTH CAROLINA IN  
CHARLESTON COUNTY AND NOT BERKELEY COUNTY.

AT 4:10 AM IN THE CTERMINAL ROOM ON AUGUST  
2ND 2006...

CAN THE STATE OF SOUTH CAROLINA MAINTAIN A  
CONVICTION THAT RESULTED FROM AN ILLEGAL GRAND  
JURY, "THE INDICTMENTS IS VOID"! DUE TO APPELLATE  
"DUE PROCESS" RIGHTS BEING VIOLATED UNDER THE  
UNITED STATES CONSTITUTION???

HERE APPELLATE GARY CORANT WEN SHEN THAT THE  
STATE KNOWINGLY ~~MADE~~ MADE PLAIN ERRORS,  
AND ~~TO~~ USE UNLAWFUL PROCEDURES FOR THE RETURN  
AND PUBLICATION OF IT'S TRUE-BLUE INDICTMENTS.  
THAT THE STATE UNLAWFUL IMPANELED IT'S GRAND  
JURY OUTSIDE THE JURISDICTION OF THE COURT  
OF GENERAL SESSIONS, AND THEN WILLFULLY CAUSED  
FALSE AND MISLEADING INFORMATION TO BE PRINT  
IN IT'S INDICTMENTS. CONSEQUENTLY, THE UNLAWFUL  
AND ILLEGAL ACT COMMITTED BY STATE REQUIRE  
THIS COURT TO HOLD APPELLATE INDICTMENTS NULL  
AND INVALIDATE ALL JUDICIAL PROCEEDINGS TAKEN  
IN THIS CASE.

(A) INVALID PROCEEDINGS ARE VOID INDICTMENTS:  
THE MATTER PRESENTED BELOW FOR REVIEW IS  
NOT A CHALLENGE TO THE COURTS GENERAL  
GRANT OF AUTHORITY IS RIGHTFULLY GRANTED  
BY OUR CONSTITUTION. STATE V. COENTRY, 363  
S.C. 93, 60 S.E. 2D 494 (2005) AND WILL NOT

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BE AT ISSUE HERE, INSTEAD APPELLATE GARY L. GRANT  
CONTENDS THAT THE COURT OF GENERAL SESSION  
FAILED TO COMPLY WITH STATUTORY LAW JURISDICTION  
NAL IN NATURE, SPECIFYING THE MANNER AND MEANS  
FOR LAWFUL RETIRE OF TRUE-BILLED INDICTMENTS.  
"THE JURISDICTION OF A COURT OVER THE SUBJECT  
MATTER OF A PROCEEDING IS DETERMINED BY  
THE CONSTITUTION, THE LAWS OF THE STATE AND  
IS FUNDAMENTAL." STATE V. HEYWARD, 564 S.E. 2D  
379 (S.C. APP. 2002) (CITING ANDERSON V. ANDERSON,  
299 S.C. 110, 115, 382 S.E. 2D 897, 900 (1989) (EMPHASIS  
ADDED). SUBJECT MATTER JURISDICTION MAY NOT BE  
WAIVED ~~ON A MOTION FOR DISMISSAL~~ AND CAN BE  
RAISED AT ANYTIME, BROWN V. STATE, 343 S.C.  
342, 340 S.E. 2D 846 (2001). AND "NO INDICTMENT  
MAY BE TRUE-BILLED BY A GRAND JURY WHEN  
THE CIRCUIT COURT LACKS JURISDICTION, SINCE  
GRAND JURY'S JURISDICTION IS COEXTENSIVE  
WITH CRIMINAL JURISDICTION OF THE COURT  
IN WHICH IT IS IMPANELED AND FOR WHICH  
IT IS TO MAKE INQUIRY..." STATE V. McCLURE  
277 S.C. 432, 289 S.E. 2D 158 (S.C. 1982) STATE  
V. FINDERBURK, 259 S.C. 256, 191 S.E. 2D 520  
(1972); STATE V. WHEELER, 259 S.C. ~~571~~, 193 S.E.  
2D 515 (1972). THE PRIMARY QUESTION BEFORE  
THIS COURT ARE WHETHER S.C. CODE ANN. § 14-9-210

IF JURISDICTIONAL IN NATURE AND WHETHER IT  
REQUIRES THAT ALL CRIMINAL INDICTMENTS MUST  
BE ISSUED THROUGH A GRAND JURY IMPANELED  
BEFORE THE COURTS OF GENERAL SESSIONS, AND  
WHETHER STATE NON-COMPLIANCE WITH MANDATORY  
INDICTMENT PROCEDURES, AND WANTONLY ACTS OF  
PERJURY HAVE RENDERED AN INDICTMENT NULL.

THE STATUTORY PROVISIONS AT ISSUE ARE CONTAINED  
IN SECTION 14-9-200, AND PROVIDE IN PERTINENT  
PART THAT: "THE COUNTY SOLICITOR SHALL PREPARE AND  
THROUGH THE PRESIDING JUDGE OF THE COURT OF  
GENERAL SESSIONS SUBMIT TO THE GRAND JURY  
WHILE IN ATTENDANCE UPON THE COURT OF  
GENERAL SESSIONS, BILLS OF INDICTMENTS IN  
ALL CASES PENDING IN THE COUNTY COURT IN  
WHICH THE PUNISHMENT MAY EXCEED A FINE  
OF ONE HUNDRED DOLLARS OR IMPRISONMENT  
FOR THIRTY DAYS, WHEN SUCH CASES HAVE NOT  
BEEN PREVIOUSLY ACTED ON BY THE GRAND JURY.  
THE GRAND JURY SHALL ACT THEREON, AND SHALL  
REPORT ITS ACTION TO THE PRESIDING JUDGE OF  
THE COURT OF GENERAL SESSIONS AND SAID  
JUDGE SHALL DIRECT THE CLERK OF THE COURT OF  
GENERAL SESSIONS TO REPORT THE SAME TO THE  
PRESIDING JUDGE OF THE COUNTY AT ITS NEXT

ENGLISH TERM"...

THE STATUTORY TERMS ABOVE ARE CLEAR, UNAMBIGUOUS AND REQUIRE THE COUNTY SOLICITOR TO PREPARE AND SUBMIT BILLS OF INDICTMENTS THROUGH THE PRESIDING JUDGE OF THE COURT OF GENERAL SESSIONS TO A GRAND JURY IMPANELED UNDER THE AUTHORITY OF THE COURT OF GENERAL SESSIONS. NO EXCEPTIONS.

IT IS A CARDINAL RULE OF STATUTORY CONSTRUCTION THAT THE PRIMARY PURPOSE IN INTERPRETING STATUTES IS TO ASCERTAIN THE INTENT OF THE LEGISLATURE. HODGES V. RAINEY, 341 S.C. 79, 85, 533 S.E. 2D 578, 581 (2002), STATE V. MARTIN, 293 S.C. 46, 358 S.E. 2D 697 (1987). WHEN A STATUTE'S TERMS ARE CLEAR AND UNAMBIGUOUS ON THEIR FACE, THERE IS NO ROOM FOR STATUTORY CONSTRUCTION AND A ~~COURT~~ COURT MUST APPLY THE STATUTE ACCORDING TO ITS LITERAL MEANING. CAROLINA POWER LIGHT CO. V. CITY OF BENNETTSVILLE, 314 S.C. 137, 139, 442 S.E. 2D 177, 179 (1994). AND WORDS MUST BE GIVEN THEIR PLAIN AND ORDINARY MEANING WITHOUT RESORT TO SUBTLE OR FORCED CONSTRUCTION TO LIMIT OR EXPAND THE STATUTE'S OPERATION. BRYANT V. CITY OF CHARLESTON, 295 S.C. 408, 368 S.E. 2D 899 (1998). MOREOVER, PENAL STATUTES MUST BE CONSTRUED STRICTLY AGAINST THE STATE AND IN FAVOR OF DEFENDANT, STATE V. BLACKMON, 304 S.C. 270, 403 S.E. 2D 1000 (S.C. 1991).

ACCORDINGLY, SECTION 14-9-210, REQUIRES STRICT COMPLIANCE WITH ITS PROVISION, AND MANDATES THAT THE GRAND JURY MUST BE IMPANELED UNDER THE JURISDICTION OF THE COURT OF GENERAL SESSIONS BEFORE LAWFUL RETURN OF A TRUE-BILLED INDICTMENTS CAN TAKE PLACE.

HOWEVER, HERE EVIDENCE WILL ESTABLISH THAT STATE UNLAWFULLY IMPANELED ITS GRAND JURY OUTSIDE THE JURISDICTION OF THE COURT OF GENERAL SESSIONS, AND THEN UNLAWFULLY PRINTED AND PUBLISHED FALSE AND MISLEADING INFORMATION IN ITS INDICTMENT IN ORDER TO KEEP SECRET ITS VIOLATIONS OF STATUTORY LAW. THIS A CONTROVERSY HAS COME BEFORE THE COURT, OPEN YOUR MOUTH, JUDGE RIGHTEOUSLY, AND PLEAD THE CAUSE OF THE POOR AND NEEDY. IN THIS CASE, INDICTMENT FOR MURDER TRUE BILL OF INDICTMENT PRINTS THAT IT WAS RETURNED, "AT A COURT OF GENERAL SESSIONS CONVENED ON FEB. 1<sup>ST</sup>, 2007 GRAND JURORS OF BERKELEY COUNTY PRESENT UPON THEIR OATH", THIS IS FALSE, SEE EXHIBIT (A) BERKELEY COUNTY GENERAL SESSIONS AND FAMILY COURT CALENDAR FOR FEB. 2007, CLEARLY THERE WAS NO GENERAL SESSIONS COURT CONVENTIONS... THIS PROCESS OF APPELLATE FIRM PER PREJUDICE HIM AND VIOLATES APPELLATE SUBSTANTIAL RIGHTS, FURTHER.

MORE APPELLATE WILL LIKE TO GO INTO MORE DETAILS ON HOW THE PCR COURT ERROR IN NOT GRANTING APPELLATE PCR...

### ISSUE (C)

APPELLATE ASSERTS THAT THE BERKELEY COUNTY PCR COURT ERROR WHEN IT DENIED APPELLATE TO RELIEF FROM THE ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL ACTS COMMITTED BY THE PROSECUTOR OF BERKELEY COUNTY PROSECUTOR OFFICE, WHEN PROSECUTOR BLAIR JENNINGS PRESENTED FRAUDULENT INDICTMENTS TO THE COURT AND JURY, VIOLATING S.C.R. PRO. CONDUCT § 3.8 AND § 8.4(D), ~~AND~~ WITHIN HIS TRIAL COURT LACK SUBJECT MATTER JURISDICTION CLAIM, VIOLATING APPELLATE 5<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT OF THE U.S. CONSTITUTION UNDER DUE PROCESS AND EQUAL PROTECTION CLAUSE...

APPELLATE ASSERTS THAT THE SOUTH CAROLINA BERKELEY COUNTY PCR COURT ERRED IN DENYING APPELLATE PCR THAT WAS FILED UPON ITS COURT ON THE DAY OF MARCH 19<sup>TH</sup>, 2019...

APPELLATE ASSERTS THAT WITHIN HIS VERIFIED POST CONVICTION RELIEF HE ASSERTED UPON THE BERKELEY COUNTY PCR COURT THAT BLAIR JENNINGS FOR THE BERKELEY COUNTY PROSECUTION OFFICE COMMITTED FRAUD UPON THE COURT AND JURY BY PROCESSING FRAUDULENT INDICTMENTS UPON THE COURTS

AND JURY ON THE DATE OF AUGUST, 21<sup>ST</sup> THRU THE 30<sup>TH</sup>  
OF 2007, ON THE DATE OF FEB. 7<sup>TH</sup>, 2007 APPELLATE  
WAS ALLEGINGLY INDICTED BY BERKELEY COUNTY  
GRAND JURY, AN 8 INDICTMENT THAT WAS PROCESSED  
BY PROSECUTOR BLAIR JENNINGS WAS IN VIOLATION  
OF S.C.R. PRO. CONDUCT § 3.8 (A) AND § 8.4 (D) WHICH  
~~PROVIDES § 3.8 (A) SPECIAL RESPONSIBILITIES OF A~~  
PROSECUTOR WHICH STATES: THE PROSECUTOR IN A  
CRIMINAL CASE SHALL: (A) REFRAIN FROM PROSECUTING  
A CHARGE THAT THE PROSECUTOR KNOWS IS NOT SUPPORT-  
ED BY PROBABLE CAUSE. IN ADDITION HIS ACTION  
CONSTITUTED MISCONDUCT PURSUANT TO S.C.R. PRO.  
CONDUCT AND RULE § 8.4 (D) WHICH STATES: IT IS  
PROFESSIONAL MISCONDUCT FOR A LAWYER TO ENGAGE  
IN CONDUCT INVOLVING DISHONESTY, FRAUD OR DECEIT  
OR MISREPRESENTATION, PROSECUTOR BLAIR JENNINGS  
VIOLATED THESE RULES OF PROFESSIONAL CONDUCT BY  
COMMITTING FRAUD UPON THE COURT AND JURY. MR.  
BLAIR JENNINGS PRESENTED THOSE SEVERAL INDICTMENTS  
UPON THE COURT OF BERKELEY COUNTY FIRST BY PRO-  
CESSING THE INDICTMENTS THROUGH THE COURT DE-  
CLARING THE INDICTMENTS TO BE TRUE. BILLED  
BY THE BERKELEY COUNTY GRAND JURY, ON THE DAY  
OF FEB. 7<sup>TH</sup>, 2007 NO GRAND JURY PRESIDED OVER THE  
CRIMINAL INDICTMENTS BECAUSE ON THE DATE OF  
FEB. 7<sup>TH</sup>, 2007 NO GRAND JURY PROCESS WAS BEING  
HELD IN BERKELEY COUNTY GENERAL SESSION

COURT HOUSE... PROSECUTOR BLAIR JENNINGS SIGNED DATE AND TRUE. BILLED THE INDICTMENTS AND BY DOING SO HE "MISLEADED" THE COURT AND JURY TO BELIEVE THE FALSE AND FRAUDULENT CONTENTS WITHIN THE INDICTMENTS, WHICH THE INDICTMENTS NEVER WAS PRESENTED BEFORE THE GRAND JURY.

~~APPELLATE ASSERTED THAT DUE TO THE PROSECUTOR~~  
BLAIR JENNINGS ACTIONS WHICH WAS INTENTIONAL AND CARRIED OUT WANTONLY AND "MALICIOUSLY" ONLY TO SEEK AN CONVICTION AGAINST APPELLATE. PROSECUTOR BLAIR JENNINGS WAS OUT TO CONVICT APPELLATE BECAUSE OF A CASE ALLEGINGLY HAPPENED IN CHARLES TON COUNTY SOUTH CAROLINA ON FEB. 24TH 2005, APPELLATE WAS RELEASED OUT ON BOND, HOWEVER, SAID CHARGES WAS NOT PROCESSED AGAINST HIM, BUT WAS USED TO CONVICT HIM IN THE PRESENT CASE APPELLATE IS SERVING TIME FOR NOW, BLAIR JENNINGS TEAMED UP WITH PROSECUTOR SCARLETT WILSON FROM CHAR. LESTON COUNTY FOR A POLITICAL GAIN FOR HEAD PROSECUTOR FOR BERKELEY AND CHARLESTON COUNTY, BLAIR JENNINGS ON THE DATE OF AUG. 27TH - 30TH 2007, PRESENTED TO THE JURY OF APPELLATE TRIAL THAT APPELLATE DID ON AUG. 2ND, 2006, COMMITTED THE FOLLOWING CRIMINAL OFFENSE'S OF, MURDER, ARM ROBBERY, KIDNAPPING X 4, BURGLARY 1ST DEGREE X 2, VIOLATING S.C. CODE OF LAW (1976), HIS DELIBERATED DECEPTION TO THE COURT AND JURY VIOLATED

APPELLATE'S DUE PROCESS RIGHTS UNDER THE RIGHT TO A FAIR TRIAL, BLAIR JENNINGS' ACTIONS WAS NOT FAIR, HE DECEIVED THE COURT AND JURY BY PROCESSING EVIDENCE AGAINST APPELLATE WHICH WAS NEVER SUPPOSED TO BE ADMITTED WITHIN A TRIAL AGAINST APPELLATE BECAUSE OF THE FALSE AND MISLEADING ~~JUDICMENTS NEVER WAS PROPERLY PROCESSED BY A~~ GRAND JURY OF BERKELEY COUNTY, GIVEN BERKELEY COUNTY SUBJECT MATTER JURISDICTION OVER THE CRIMINAL CASE. APPELLATE WAS ILLEGALLY UNLAWFULLY AND UNCONSTITUTIONALLY CONVICTED AND SENTENCE BECAUSE OF THE PROSECUTOR ACTIONS.

APPELLATE ASSERTED THAT HIS RIGHTS GUARANTEED BY THE 5<sup>TH</sup> & 14<sup>TH</sup> U.S. CONSTITUTIONAL AMENDMENT RIGHTS AND S.C. CONST. ART 133 PURSUANT TO THE DUE PROCESS, EQUAL PROTECTION, AND RIGHT TO A FAIR TRIAL WAS VIOLATED BY THE PROSECUTOR, BLAIR JENNINGS PROCESSING THE FRAUDULENT JUDICMENTS THROUGH THE BERKELEY COUNTY COURT OF GENERAL SESSION JUDICIAL PROCEEDINGS... THE FRAUDULENT JUDICMENTS PRESENTED BY "MR. BLAIR JENNINGS" UPON THE COURTS AND JURY CREATED A MATERIALLY FALSE IMPRESSION OF THE FACTS, WHICH AFFECTED THE JUDGEMENT OF THE COURTS AND JURY. MOONEY V. HOLLOMAN, 294 U.S. 103 (1935), NAPLIE V. ILLINOIS 360 U.S. 264 (1959), THE PROSECUTOR "BLAIR JENNINGS".

INTENTIONALLY VIOLATED SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT, RULE 3.8 AND RULE 8.4 (D) WHICH PROVIDES THAT IT IS PROFESSIONAL MISCONDUCT FOR A LAWYER TO ENGAGE IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION. BERGER V. U.S., 295 U.S. 78, 88, 55 S. CT. 629 (1935),

STATE V. KING 11 S.E. 2D 793 (1952), KYLES V. WHITLEY 115 S. CT. 1555 (1995)... FRAUD IS A FALSE REPRESENTATION OF A MATTER OF FACTS, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF WHAT SHOULD HAVE BEEN DISCLOSED THAT DECEIVES AND IS INTENDED TO DECEIVE ANOTHER SO THAT THE INDIVIDUAL WILL ACT UPON IT TO HIS OR HER ADVANTAGE... IN THIS PRESENT CASE APPELLATE ASSERT THAT THE PROSECUTOR BLAIR JENNINGS COMMITTED MISCONDUCT BY PROCESSING FRAUDULENT DOCUMENT(S) WHICH WAS INDICTMENT(S) UPON THE BERKELEY COUNTY COURT, LISTED AS FOLLOWS: "AT A COURT OF GENERAL SESSIONS, CONVENED ON FEBRUARY 7<sup>TH</sup>, 2007, GRAND JURY OF BERKELEY COUNTY PRESENT UPON THEIR OATH". SEE EXHIBIT (B-H) ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE IS INDICTMENT(S)... BLAIR JENNINGS KNEW THAT THE INDICTMENT WAS NEVER SIGNED BY A FOREMAN OF THE GRAND JURY OR TRUE-BILLED ON THE DATE OF FEB. 7<sup>TH</sup>, 2007 BECAUSE THERE WAS [NO] GRAND JURY HELD ON THAT DATE OF FEB. 7<sup>TH</sup>, 2007 AT THE BERKELEY COUNTY

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COURT OF GENERAL SESSION, SEE EXHIBIT (A) ATTACHED  
HERETO AND INCORPORATED HEREIN BY REFERENCE  
IS BERKELEY COUNTY COURT OF GENERAL SESSION COURT  
CALENDAR...

APPELLATE ASSERTS THAT BLAIR JENNINGS ACTIONS  
WAS INTENTIONAL BECAUSE HE KNEW WHAT HE WAS  
~~DOING WHEN HE PROCEEDED THE FRAUDULENT INDICTMENTS~~  
UPON THE TRIAL COURT OF BERKELEY COUNTY AGAINST  
APPELLATE. APPELLATE ASSERTS THAT BLAIR JENNINGS  
ALSO MADE IMPROPER AND MISLEADING STATEMENTS TO  
THE JURY AND COURT THROUGHOUT THE OPENING AND  
CLOSING ARGUMENT OF APPELLATE TRIAL CONCERNING  
THE CASE AGAINST APPELLATE THAT IS NOT SUPPORTED  
BY PROPER ~~INDICTMENTS~~ INDICTMENTS. HIS ACTIONS WAS  
MISCONDUCT BECAUSE PRESENTATION OF THE FRAUDU-  
LENT INDICTMENTS AND HIS RELIBERATED DECEPTION  
TO THE JURY AND TRIAL COURT IS INCOMPATIBLE WITH  
THE CONSTITUTIONAL DEMANDS OF JUSTICE, GILGLIO V.  
U.S., 405 U.S. 150, 92 S.Ct. 1163, U.S. V. BAGLEY, 105  
S.Ct. 3375, APPELLATE FURTHER ASSERTS THAT DUE TO  
BLAIR JENNINGS ACTIONS AND MISCONDUCT, THE TRIAL  
COURT LACKED SUBJECT MATTER JURISDICTION TO  
IMPOSE A CONVICTION AND SENTENCE UPON APPELLATE  
BECAUSE THE TRIAL COURT DO NOT HAVE THE POWER  
TO ACT UPON A FRAUDULENT OR IMPROPER INDICT-  
MENTS) HOOKS V. STATE, 353 S.C. 48, 577 S.E. 2D 211  
(2003), S.C. CODE ANN. § 17-19-10, S.C. CONST. ART.

1311) AN INDICTMENT IS PROPER ONLY IF IT IS SUFFICIENT IN CHARGING THE ELEMENTS OF THE OFFENSE AND IS RETURN TRUE-BILLED BY THE GRAND JURY, OR PRESENTMENT IS WAIVED. STATE V. BEACHUM, 288 S.C. 325, 342 S.E. 2D 597 (1986) AN INDICTMENT IS SUFFICIENT IN THE CHARGE, ONLY IF IT CONTAINS ALL ~~OF THE NECESSARY ELEMENTS OF THE OFFENSE, AND~~ GIVES NOTICE OF WHAT A DEFENDANT MUST BE PREPARED TO MEET. STATE V. SIMAUS, 336 S.C. 301, 519 S.E. 2D 793 (1999)... THEREFORE, WITHOUT A PROPER INDICTMENT, THE CIRCUIT COURT LACKS JURISDICTION TO ENTER A CONVICTION OR IMPOSE A SENTENCE FOR A CRIME. Hook v. STATE, 353 S.C. 48, 577 S.E. 2D 211 (2003) APPELLATE ASSERTS THAT THE CIRCUIT COURT OF BERKELEY COUNTY GENERAL SESSIONS LACKED SUBJECT MATTER JURISDICTION TO IMPOSE CONVICTIONS AND SENTENCES UPON APPELLATE BECAUSE ① THE GRAND JURY NEVER RETURN TRUE-BILLED INDICTMENTS AGAINST APPELLATE, ② THE INDICTMENTS IS FRAUDULENT ③ APPELLATE MURDER INDICTMENT FAILS TO STATE WITHIN HIS INDICTMENT THE TIME AND PLACE OF DEATH... THEREFORE, DUE TO, ① THE FRAUDULENT INDICTMENT(S), ② THE GRAND JURY NEVER RETURN TRUE-BILLED INDICTMENT AGAINST APPELLATE AND ③ THE MURDER INDICTMENT FAILING TO STATE THE TIME AND PLACE OF DEATH, THE INDICTMENT(S) ARE NO GOOD... APPELLATE ASSERTS THAT THE PCR COURT ERRED IN NOT GRANTING APPELLATE RELIEF DUE TO THE

ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL CONVICTIONS(S)  
AND SENTENCES(S) AND VACATING APPELLATE CONVICTIONS(S)  
AND SENTENCES(S). THE COURT FAILED TO APPLY CLEARLY  
ESTABLISH FEDERAL LAWS PURSUANT TO APPELLATE DUE  
PROCESS RIGHTS UNDER THE RIGHT TO A FAIR TRIAL  
AGAINST THE PCR COURT PREJUDICE ME FOR NOT GRANT-  
~~ING APPELLATE PCR, AND IN THE PROCESS VIOLATED~~  
APPELLATE SUBSTANTIAL RIGHTS. APPELLATE PCR SHOULD  
HAVE BEEN GRANTED ...

### ISSUE (D)

APPELLATE ASSERTS THAT THE BERKELEY COUNTY PCR  
COURT ERRED IN FAILING TO GRANT HIS PCR DUE  
TO HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL  
PURSUANT TO THE 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT OF THE  
U.S. CONSTITUTION BEING VIOLATED, UNDER APPELLATE  
TRIAL COURT LACK SUBJECT MATTER JURISDICTION  
CLAIMED ...

"THE TRIAL OR PROCEEDINGS CAN NOT BE RELIED UPON  
AS HAVING PRODUCED A JUST RESULT" ... STRICKLAND V.  
WASHINGTON, 468 U.S. 668, 104 S.Ct. 2052 (1984);  
BUTLER V. STATE, 334 S.E. 2D 813 (1985). THE PROPER  
MEASURE OF PERFORMANCE IS WHETHER THE ATTORNEY  
PROVIDED A JUST REPRESENTATION WITHIN THE  
RANGE OF COMPETENCE REQUIRED IN CRIMINAL  
CASES. ... CHERRY V. STATE, 386 S.E. 2D 624 (1989) ...

THIS, PURSUANT TO STRICKLAND SUPRA. A TWO-PRONGED TEST IS USED IN EVALUATING ALLEGATION OF ~~THE~~ INEFFECTIVE ASSISTANCE OF COUNSEL. FIRST, THE APPLICANT MUST PROVE THAT COUNSEL'S PERFORMANCE WAS DEFICIENT UNDER THIS PRONG, ATTORNEY PERFORMANCE IS MEASURED BY ITS "REASONABLENESS" UNDER PROFESSIONAL NORM, "CHERRY" SUPRA, CITING STRICKLAND, SUPRA. SECOND, COUNSEL'S DEFICIENT PERFORMANCE, MUST HAVE PREJUDICED THE APPLICANT SUCH THAT "THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT IN THIS PRESENT CASE APPLICANT ASSERTS THAT TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO INVESTIGATE THE GRAND JURY PROCEEDINGS FOR BERKELEY COUNTY TERM OF COURT FOR THE DAY OF FEB. 1<sup>ST</sup>, 2007... TRIAL COUNSEL WAS LEGALLY BOUND TO ACT ON APPLICANT BEHALF AND INVESTIGATE AND ACT PROMOTELY WHILE ACTING ON THE BEHALF OF HIS CLIENT... HOWEVER HE FAILED TO DO SO AND BY HIS FAILURE HE WAS LEAD TO BELIEVE BY THE STATE PROSECUTION THAT ALL 8 OF THE INDICTMENTS USED AGAINST APPLICANT WAS "OFFICIAL", BUT HOWEVER, THE INDICTMENTS) WASNT, THEY WAS FRAUDULENT USED AGAINST APPLICANT THROUGHOUT THE CRIMINAL PROCESS BY THE PROSECUTION BARR DENIALS

WHO KNOWINGLY WILLFULLY AND INTENTIONALLY PROCESSED THE FAKE INDICTMENTS KNOWING THAT ON FEB. 7<sup>TH</sup>, 2007 THEY WAS [NO] GRAND JURY CONVENING AT BERKELEY COUNTY COURT HOUSE, SEE: EXHIBIT (A). APPLICANT ASSERTS THAT DUE TO TRIAL COUNSEL FAILURE TO INVESTIGATE THE GRAND JURY PROCESS HE WAS PRE-~~JUDGED BECAUSE HE IS THE ONLY INDIVIDUAL WHO~~ CARCERATED AND BEING HELD UNLAWFULLY ILLEGALLY AND UNCONSTITUTIONALLY IN SCDC BY RESPONDANT UNDER FRAUDULENT INDICTMENTS WHICH IS VIOLATING HIS DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER THE U.S. CONSTITUTION AND STATE CONSTITUTIONAL LAWS.

APPLICANT ASSERTS THAT HAD TRIAL COUNSEL WOULD OF INVESTIGATED HE WOULD HAVE FOUND OUT ABOUT THE ILLEGAL PROCESS COMMITTED BY THE PROSECUTION HE COULD HAVE OBJECTED TO THE DEFECTIVE INDICTMENTS AND MOVED UPON THE TRIAL COURT TO HAVE THE INDICTMENTS QUASHED PURSUANT TO S.C. CODE OF LAWS § 17-19-90 OBJECTION TO DEFECTS IN THE INDICTMENTS...

APPLICANT ASSERTS THAT THE DEFECT IN THE INDICTMENTS IS THE FALSE REPRESENTATION OF THE TRUTH CONCERNING THE GRAND JURY CONVENING ON THE DATE OF FEB. 7<sup>TH</sup>, 2007 AT THE BERKELEY COUNTY COURT HOUSE. TRIAL COUNSEL FAIL TO CHAM.

EGE THE INDICTMENT(S) PRIOR TO THE JURY BEING SWORN BECAUSE OF TRIAL COUNSEL BEING MISLEAD BY THE PROSECUTOR THAT THE INDICTMENT(S) WAS RIGHT AND EXACT. APPLICANT ASSERTS THAT INDICTMENTS ARE "NOTICES" THAT INFORM THE DEFENDANT OF THE NATURE OF THE CHARGE AGAINST HIM AND THAT THESE NOTICES "MUST" BE PRESENTED BEFORE A GRAND JURY OF THE TRIAL COURT FOR THE PURPOSE OF FINDING PROPER CAUSE TO INDICT. IN THIS CASE THE PROSECUTOR DEPRIVED THE GRAND JURY OF THE RIGHT TO FIND CAUSE TO INDICT APPLICANT BY ITS FALSE REPRESENTATION OF THE INDICTMENT DOCUMENTS. APPLICANT ASSERTS THAT HAD TRIAL COUNSEL WOULD OF INVESTIGATED, OBJECTED AND MOVE TO QUASH THE FRAUDULENT INDICTMENTS THE INDICTMENTS WOULD HAD HAVE TO BE QUASH BY THE TRIAL COURT BECAUSE FALSE OR FRAUDULENT DOCUMENTATION DO NOT HOLD IN COURT DUE TO ITS MISREPRESENTATION OF THE TRUTH. THE SIXTH AMENDMENT OF THE U.S. CONSTITUTION PROVIDES THAT THE ACCUSED SHALL BE AFFORDED EFFECTIVE ASSISTANCE COUNSEL IN A CRIMINAL PROSECUTION AGAINST HIM. POWELL V. ALABAMA, IN THIS PRESENT CASE TRIAL COUNSEL RENDER INEFFECTIVE ASSISTANCE OF COUNSEL UNDER THE STRICKLAND V. WASHINGTON, STANDERS. ADDITIONALLY TRIAL COUNSEL FAILED TO OBJECT TO THE DEFECT AND APPLICANT MURDER INDICTMENT, APPLICANT ASSERTS THAT WITHIN

HIS MURDER INDICTMENT IT FAILS TO STATE THE  
TIME AND PLACE OF THE VICTIM DEATH UPON

REVIEW THE INDICTMENT READS, AT A COURT  
OF GENERAL SESSIONS, CONVENED ON FEB. 7<sup>TH</sup> 2007  
GRAND JURORS OF BERKELEY COUNTY PRESENT UPON  
~~THEIR OATH~~ THAT GARY L. GRAND DID IN BERKELEY  
COUNTY ON OR ABOUT THE 2<sup>ND</sup> DAY OF AUG. 2006,  
WHILE ACTING IN CONCERT WITH CO-DEFENDANTS,  
FELONIOUSLY, WILLFULLY AND WITH MALICE AFORE-  
THOUGHT, KILL AND MURDER ONE DEXTER PERRY, BY  
MEANS OF BLUNT FORCE TRAUMA TO THE HEAD AND/OR  
GUNSHOT WOUNDS, AND DEXTER PERRY DID DIE IN  
BERKELEY COUNTY AS APPROXIMATE RESULT THERE OF  
ON OR ABOUT AUG. 2<sup>ND</sup>, 2006. THIS ACTION BEING  
IN VIOLATION OF §16-3-10 OF THE SOUTH CAROLINA  
CODE OF LAWS (1976), AS AMENDED. HOWEVER, IT ONLY  
PROVIDES THE TIME AND PLACE OF THE ASSAULT, NOT  
THE VICTIM'S DEATH. IN STATE V. RECTOR, 158 S.C. 212  
155 S.E. 2D 305, THE COURT HELD THAT IN CONSTRUCT-  
ING THE REQUIRE ALLEGATIONS FOR A SUFFICIENT  
MURDER INDICTMENT, UNDER S.C. CODE SECTION  
§17-19-20, HELD AND FOLLOWS: "THE CRIME OF MURDER  
IS A COMPOSITE ONE AND THE STATE MUST PROVE NOT  
ONLY THE ASSAULT AND DEATH OCCURRING FROM ~~THE~~  
IT, BUT THE TIME ~~AND~~ <sup>OF</sup> THE ASSAULT AND THE TIME OF  
DEATH, AS WELL AS THE PLACE OF ASSAULT AND PLACE  
OF DEATH THESE NECESSARY ELEMENTS OF THE CRIME

OF MURDER MUST ONLY BE PROVED BEFORE THE ACCUSED MAY BE CONVICTED BUT MUST BE ALLEGED IN THE MURDER INDICTMENT AND RETURN AGAINST THE ACCUSED BY THE GRAND JURY. STATE V. BLAKENEY, 33 S.C. 111, 11 SE 2D 637. IN BLAKENEY THE COURT HELD THAT IN CONSTRUCTING THE SAME MURDER INDICTMENT REQUIREMENT STATUS ~~PREVIOUSLY HELD, AS FOLLOWS: IT IS ABSOLUTELY ESSENTIAL~~ IN AN INDICTMENT FOR MURDER THAT THE "CORRECT" PLACE OF THE DEATH OF THE PARTY KILLED SHOULD BE QUASHED ON MOTION MADE, WINNIS V. STATE, 363 S.C. 414, 611 S.E. 2D 901 (S.C. SUP. CT. 2005) IN WINNIS, THE COURT HELD THAT THE INDICTMENT IS SUFFICIENT BECAUSE IT STATE THAT HERMAN WINNIS DID IN BERKELEY COUNTY ON OR ABOUT 10/4/1997 WHILE AT APARTMENT #5 AT BELANGIA APARTMENTS IN THE TOWN OF ST. STEPHEN, S.C. WITH MALICE AFORETHOUGHTS STRIKE JOHN A. MOUZON SEVERAL TIMES IN THE HEAD WITH A MENTAL OBJECT SAID BLOWS TO THE HEAD BEING THE PROXIMATE CAUSE OF THE DEATH OF JOHN A. MOUZON, THIS ACTION BEING IN VIOLATION OF SECT. 16-3-10 S.C. CODE OF LAWS (1976) AS AMENDED. THE COURT HELD THAT SINCE MOUZON WAS HIT SEVERAL TIMES IN THE HEAD, AT THE BELANGIA APARTMENTS AND DIED EITHER AT THE TIME HE WAS ATTACKED OR SOON THEREAFTER, THAT, THE INDICTMENT PROVIDES THE TIME AND PLACE OF DEATH 10/4/1997 AND PLACE OF DEATH (THE BELANGIA APARTMENTS) ST. STEPHENS, S.C. BERKELEY COUNTY, THE COURT HELD, HAD THE

VICTIM BEEN FOUND IN A DIFFERENT LOCATION (COUNTY OR ON A DIFFERENT DATE) THE INDICTMENT AS WRITTEN WAS INSUFFICIENT IN THE PRESENT CASE, APPLICANT ASSERTS IN HIS INDICTMENT IT STATES " THAT GARY GRAM DID IN BERKELEY COUNTY ON OR ABOUT THE 2ND DAY OF AUG. 2006, WHILE ACTING IN CONCERT WITH CO-DEFENDANTS, FELONIOUSLY, WANTONLY AND WITH MALICE AFORETHOUGHT, KILL AND MURDER ONE DEXTER PERRY BY MEANS OF BLUNT FORCE TRAUMA TO THE HEAD AND/OR GUNSHOT WOUNDS AND DEXTER PERRY DID DIE IN BERKELEY COUNTY AS APPROXIMATE RESULT THEREOF ON OR ABOUT AUGUST 2ND, 2006. THIS ACTION IN VIOLATION OF § 16-3-10 OF THE SOUTH CAROLINA CODE OF LAWS (1976) AS AMENDED. EVIDENCE PROVE THAT THE VICTIM DIE AT MUSC IN CHARLESTON COUNTY AT 4.10 A.M., NOT BERKELEY COUNTY, SEE EXHIBIT (J), MUSC FORENSIC AUTOPSY FINAL REPORT... THE TRIAL COUNSEL RENDER INEFFECTIVE ASSISTENCE OF COUNSEL FOR FAILING TO MOTION PRIOR TO TRIAL TO HAVE THE MURDER INDICTMENT QUASHED, PURSUANT TO S.C. CODE ANN § 17-19-90, HAD TRIAL COUNSEL WOULD OF OBJECTED TO THE DEFECTIVE MURDER INDICTMENT THE TRIAL COURT WOULD OF HAD TO QUASHED THE INDICTMENT DUE TO THE DEFECT IN THE IN-DICTMENTS WHICH FAIL TO GIVE NOTICE TO THE MOST IMPORTANT PART "TIME AND PLACE OF DEATH", KLINIS, DUE TO TRIAL COURT FAILURE

(3)

TO OBJECT APPLICANT WENT TO TRIAL ON THE DEFECTIVE INDICTMENT OF MURDER AND WAS FOUND GUILTY. CLEARLY APPLICANT WAS PREJUDICE BECAUSE HE ~~IS~~ <sup>AM</sup> THE ONLY ONE IN THE STATE OF SOUTH CAROLINA GOING THROUGH THIS ILLEGAL, UNLAWFUL AND UNCONSTITUTIONAL ACTION. TRIAL COUNSEL SHOULD OF OBJECTED BUT

FAILED TO DO SO. STRECKLAND V. WASHINGTON, CHERRY V. STATE, THEREFORE APPLICANT MOVES UPON THIS COURT TO VACATE APPLICANT CONVICTION AND SENTENCE DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILING TO CHALLENGE OR OBJECT TO THE DEFECTIVENESS AND FRAUDULENT INDICTMENTS BEFORE THE JURY WAS SWORN PURSUANT TO S.C. CODE ANN. 17-19-90. APPLICANT ASSERTS THAT TRIAL COUNSEL FAILURE TO OBJECT WAS NOT ARTICULATED AND A OBJECTIVELY REASONABLE TRIAL STRATEGY TO ABANDON, INGLE V. STATE, 560 S.E. 2D 401 (S.C. 2002) AND DUE TO TRIAL COUNSEL FAILURE TO DO ABSOLUTELY NOTHING IN PREPARING APPLICANT CASE FOR TRIAL OR REQUESTING TO OBJECT TO THE DEFECTIVE INDICTMENTS HAS TRUTHFULLY PREJUDICE HIM. JOHNSON V. ZERBST, 304 U.S. 458, 58 S.C.T. 109, WHICH HELD, THE CONSTITUTION REQUIRES THAT NO ACCUSED CAN BE CONVICTED AND IMPRISONED UNLESS HE HAS BEEN ACCUSED THE RIGHT TO THE ASSISTANCE OF COUNSEL, DUE TO ALL

THE ABOVE LISTED ERROR AS A RESULT APPLICANT WAS CONVICTED AND SENTENCED. CLEARLY, THE COMPLETE PERFORMANCE OF COUNSEL DURING THE ~~CRITICAL STAGES~~ CRITICAL STAGES OF THE JUDICIAL PROCEEDINGS MANDATES THE PRESUMPTION OF PREJUDICE BECAUSE "THE ADVERSARY PROCESS ITSELF" HAS BEEN RENDERED PRESUMPTIVELY UNRELIABLE. U.S. V. CRONIN, AND U.S. V. LOB, 1059 (1981), AS

NOTED ABOVE THERE WAS EVERY REASON FOR APPLICANT TO HAVE EFFECTIVE ASSISTANCE OF COUNSEL DURING HIS TRIAL PURSUANT TO THE 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT OF THE UNITED STATE CONSTITUTION WHICH PROVIDES: THAT IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL ENJOY THE RIGHT TO HAVE THE ASSISTANCE OF COUNSEL FOR DEFENSE. GIDEON V. WAINWRIGHT, 372 U.S. 335 (1963). APPLICABILITY OF MATTHEWS V. ELDERIDGE, AND THE RELATION OF APPLICANT CASE, DUE PROCESS IS THE OPPORTUNITY TO BE HEARD AT A MEANINGFUL TIME AND IN A MEANINGFUL MANNER, MATTHEWS V. ELDERIDGE 424 U.S. 319, 333, 916 S.Ct. 893 (1976) AT APPLICANT INDICTMENT PROCESS THE PROSECUTOR PRESENTED FRAUDULENT INDICTMENTS TO THE TRIAL COURT AND JURY, BUT INTENTIONALLY "FAKED" TO HAVE THESE INDICTMENT PRESENTED TO A GRAND JURY. BLAIR DENNING'S AND SCARLETT WILSON INTENTIONALLY PROCESSED THE FAKE INDICTMENTS AGAINST APPLICANT ONLY TO DEPRIVED HIM OF HIS RIGHTS TO A FAIR TRIAL. APPLICANT ASSERTS THAT MR. BLAIR DENNING'S AND

MS. SCARLETT WILSON ACTIONS AS PROSECUTOR'S ALSO DEPRIVED APPLICANT OF HIS EQUAL PROTECTION RIGHT THEREFORE MAKING APPLICANT THE ONLY ONE IN THIS STATE TO GO THROUGH THIS VIOLATION OF HIS RIGHTS APPLICANT ASSERTS THAT THE BERKELEY COUNTY PER COURT ERRED WHEN IT FAILED TO APPLY CLEAR ESTABLISHED FEDERAL LAW TO APPLICANT ~~PRESENT~~ ~~CASE~~ UNDER THE STRICKLAND V. WASHINGTON, STANDERS, WHICH VIOLATED APPLICANT DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER THE 14<sup>TH</sup> AMENDMENT OF THE U.S. CONST. PURSUANT TO THE 6<sup>TH</sup> AMENDMENT OF THE U.S. CONST. PROVIDES THAT APPLICANT IS ENTITLED TO EFFECTIVE ASSISTANCE OF COUNSEL. POWELL V. ALABAMA, 207 U.S. 45, 83 S. CT. 55, IN THIS PRESENT CASE APPLICANT TRIAL COUNSEL FAILURE TO INVESTIGATE THE BERKELEY COUNTY GRAND JURY PROCEEDING WAS ERROR AND PREJUDICE, APPLICANT WAS CONVICTED AND SENTENCE ILLEGALLY, UNLAWFULLY AND UNCONSTITUTIONALLY UPON FRAUDULENT INDICTMENT. APPLICANT ASSERTS THAT DUE TO THE PROSECUTOR ACTION RENDER TRIAL COUNSEL INEFFECTIVE DUE TO DEPRIVING APPLICANT TO THE RIGHT TO FAIR PROCESS WITHIN THE CRIMINAL PROCESS AGAINST HIM APPLICANT ASSERTS THAT HE IS THE ONLY PRISONER IN THIS STATE TO GO THROUGH THIS ILLEGAL, UNLAWFUL, AND UNCONSTITUTIONAL PROCESS WITH HIS CRIMINAL

INDICTMENTS WHICH HOLD HIM ILLEGALLY, UNLAWFULLY  
AND UNCONSTITUTIONALLY CONFINED WITHIN THE  
SOUTH CAROLINA DEPT. OF CORRECTION...

DUE TO THE BERKELEY COUNTY PCR COURT ERROR  
APPLICANT IS ENTITLED TO RELIEF FROM CONFINEMENT  
FROM THIS COURT.

## IMPORTANCE OF THE QUESTIONS PRESENTED

THIS CASE PRESENTS FUNDAMENTAL QUESTIONS OF FEDERAL LAWS  
OF THE UNITED STATES SUPREME COURT DECISIONS, AND AS WELL  
AS SOUTH CAROLINA SUPREME COURT DECISIONS. THE QUESTIONS  
PRESENTED IS OF GREAT PUBLIC IMPORTANCE BECAUSE IT  
AFFECTS APPLICANT AND THOSE OTHERS FROM ILLEGAL, UNLAWFUL,  
AND UNCONSTITUTIONAL ACTS FROM THE GOVERNMENT. APPLICANT  
HAS A RIGHT PURSUANT TO THE DUE PROCESS CLAUSE OF  
THE 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT TO FAIR PROCESS WITHIN A  
CRIMINAL PROCEEDING. IN THIS CASE, HIS U.S. CONSTITUTION  
RIGHT WERE VIOLATED UNDER THE 5<sup>TH</sup> 6<sup>TH</sup> + 14<sup>TH</sup> AMEND.  
MENT OF THE UNITED STATES CONSTITUTION. THIS COURT  
SHOULD CORRECT THE ERRORS COMMITTED BY THE STATE PRO-  
SECUTOR IN BERKELEY COUNTY, AND APPLY THE LAWS OF  
THE UNITED STATES CONSTITUTION TO THE PRESENT CASE AND  
RELEASE APPLICANT FROM THE ILLEGAL, UNLAWFUL, AND  
UNCONSTITUTIONAL RESTRAINTS WHICH HOLDS HIM IN  
CONFINEMENT UNDER CONVICTIONS AND SENTENCES...

**LEGAL MAIL**

FURTHERMORE, APPELLATE WITH DEMISTRICT PURSUANT  
TO ~~THE~~ U.S. V. MEDLEY, 972 F.3D 399 4TH CIR. (2020) ON  
HOW THE U.S. SUPREME COURT AGREED THAT HIS SUBSTAN-  
TIAL RIGHTS, WAS VIOLATED ~~WHICH~~ ~~IS~~ MEDLEY  
CONSTITUTIONAL RIGHT, SEE NUMBER [15] IN SECTION  
(A) OF MEDLEY APPEAL, WHICH STATE AS FOLLOWS, MEDLEY  
ARGUES THAT, EVEN UNDER ITS MOST LIBERAL CONSTRUCTION  
HIS CHARGING INSTRUMENT FAILS TO PUT HIM ON NOTICE  
OF THE KNOWLEDGE-OF-STATUS ELEMENT AND DOES NOT  
DESCRIBE THE ELEMENT AT ALL. (WE AGREE). THE GOVERN-  
MENT HAS NOT PROVIDED ANY CONVINCING REASON TO  
HOLD THAT MEDLEY'S INDICTMENT FULFILLED THE  
NOTICE FUNCTION OF AN INDICTMENT. NOR COULD IT...  
AS THE SUPREME COURT HAS PUT IT "THE INDICTMENT  
MUST CONTAIN AN ALLEGATION OF EVERY FACT WHICH  
IS LEGALLY ESSENTIAL TO PUNISHMENT TO BE IMPOSED  
APPENDIX, 530 U.S. AT 490 N.15, 120 S. CT. 2348  
(QUOTING U.S. V. REESE, 92 U.S. 214, 232-33, 23 L. ED.  
563 (1875) (CLIFFERS), (CONCURRING) HERE, IT DID NOT.  
THE RECORD ADEQUATELY SHOWS THAT NEITHER THE  
INDICTMENT'S CHARGING LANGUAGE, NOR ITS FACTUAL  
ALLEGATIONS, PROVIDED NOT THAT MEDLEY WOULD  
HAVE TO DEFEND AGAINST THE ALLEGATION THAT  
HE KNOW HIS PROHIBITED STATUS. IN APPELLATE PRE-

SENT CASE AT HAND, BERKELEY COUNTY PROSECUTOR  
OFFICE PREJUDICE ME AND FAIL TO PUT ME APPELLATE  
ON NOTICE OF WHAT APPELLATE WAS BEING CALLED  
TO FACE WHEN BERKELEY COUNTY PROSECUTOR FAIL TO  
PRESENT THE INDICTMENT'S TO THE GRAND JURY, AND

FURTHERMORE, FAIL TO PUT THE TIME AND PLACE OF THE  
VICTIM DEATH, THE ~~THE~~ ATTORNEY GENERAL DID NOT  
GIVE NO REASON AT ALL IN APPELLATE PCR THAT APPELLATE  
INDICTMENT MEET THE NOTICE FUNCTION OF AN INDICT-  
MENT, WHICH VIOLATED APPELLATE SUBSTANTIAL RIGHT

FURTHERMORE, IN MENLEY SUPR. NUMBER [6] SECTION (A)  
STATES THAT SINCE MENLEY'S INDICTMENT FAILED TO  
SATISFY THE NOTICE FUNCTION OF AN INDICTMENT THROUGH  
ITS CHARGING LANGUAGE AND DESCRIPTIONS OF OVERT  
ACTS, ITS DEFECTS VIOLATED MENLEY'S SUBSTANTIAL  
RIGHTS, Cf. CARRINGTON, 301 F.3D AT 210 (NOTING THAT  
"THE PROTECTIONS PROVIDED BY A INDICTMENT WERE  
NOT COMPROMISED" WHEN, ALTHOUGH NOT INCLUDED  
IN THE CHARGING LANGUAGE THE DRUG QUANTITY WAS  
INCLUDED IN THE DESCRIPTION OF OVERT ACTS);<sup>5</sup> X411  
SEE ALSO U.S. v. CARR, 303 F.3D 539, 544 (4TH CIR 2002)  
(NOTING THAT COTTON "ASSUMES", OF COURSE THAT  
THE FAULTY INDICTMENT GIVEN PROVIDED THE

DEFENDANT WITH ADEQUATE NOTICE OF THE OFFENSE CHARGED"). AS A CONSEQUENCE, MEDLEY ~~DOES~~ SATISFIES OLANDS THIRD PRONG WITH RESPECT TO THE INDICTMENT ERROR. IN APPELLATE PRESENT CASE APPELLATE MURDER INDICTMENT FAILED TO SATISFY THE NOTICE FUNCTION, ~~ADDED~~ BECAUSE ① IT FAIL

TO STATE THE TIME AND PLACE OF THE DEATH, ② PROSECUTOR BLAIR JENNINGS NEVER PRESENTED THE INDICTMENTS TO A GRAND JURY AND ③ NO GRAND JURY PROCESSING INDICTMENT WAS CONVENED ON FEB. 7TH, 2007... SEE: U.S. V. MEDLEY, 972 F.3D 399 4TH CIRCUIT (2020)...

CONCLUSION

FOR THE ON GOING VIOLATIONS OF APPLICANT  
U.S. CONSTITUTIONAL RIGHTS, SOUTH CAROLINA  
CONSTITUTIONAL RIGHTS AND S.C. CODES OF LAWS  
APPLICANT CERTIORARI SHOULD BE GRANTED...

---

DATE: 8-21-22

RESPECTFULLY SUBMITTED!  
Amy J. Hunt  
PRO SE

RECEIVED  
SEP 01 2022  
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

GARY L. GRANT #280988  
APPLICANT,

v.

STATE OF SOUTH CAROLINA  
RESPONDANT,

IN THE SOUTH CAROLINA SUPREME  
COURT OF APPEALS

C/A No. 2022-00113

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I GARY L. GRANT #280988, CERTIFY THAT A COPIE OF THIS WRIT OF CERTIORARI WAS SERVED ON PATRICIA A. HOWARD CLERK OF S.C. SUPREME COURT OF APPEAL, BY DEPOSITING SAME IN THE U.S. MAIL WITH SUFFICIENT POSTAGE AFFIXED THERETO AT LIEBER CORR. INST. MAIL ROOM ON AUG. 27<sup>th</sup> 2022 TO THE ADDRESS BELOW:

THE S.C. SUPREME COURT OF APPEALS  
PATRICIA A. HOWARD, CLERK  
P.O. Box 11330  
COLA, S.C. 29211

Gary L. Grant  
GARY GRANT #280988  
LCI/RHU/145  
P.O. Box 205  
RIDGEVILLE, S.C. 29472

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S.C. SUPREME COURT

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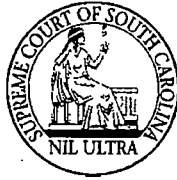
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EXHIBIT (1)

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# The Supreme Court of South Carolina

PATRICIA A. HOWARD  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
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TELEPHONE: (803) 734-1080  
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[www.sccourts.org](http://www.sccourts.org)

August 15, 2022

Mr. Gary L Grant, 280988  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia SC 29210

Re: Gary Grant v. State  
Appellate Case No. 2022-001113

Dear Mr. Grant,

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as

required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

For this matter to proceed, you will need to provide this Court with the following within twenty (20) days of the date of this letter:

---

~~Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c), SCACR, requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.~~

Very truly yours,

*Patricia A. Howard*

CLERK

cc: Megan Harrigan Jameson, Esquire

---

# EXHIBIT (E)

ALL EVIDENCE PERTAINING TO  
PETITIONER PETITION FOR WRIT  
OF HABEAS CORPUS ...

EXHIBIT  
(A)

Search

Terms of Circuit and Family Court  
February 2007

Holiday:  
Mon Feb 19, President's Day

Circuit Number	2/5/2007	2/12/2007	2/19/2007	2/26/2007
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<p>2</p>	<p>General Sessions Charleston Dennis, R.</p> <p>GARRISON</p> <p>Common Pleas Charleston Cole, J.</p> <p>BURNS</p>	<p>Common Pleas Berkeley Pieper, Daniel</p> <p>BURNS</p> <p>Common Pleas Charleston Hughston, Thomas</p> <p>CROSS 12, 13 SULLIVAN 14.</p>	<p>General Sessions 20 Charleston Dennis, R.</p> <p>GARRISON 20</p> <p>Common Pleas Non-Jury 23 Young, Roger</p> <p>COOLEY 23</p>	<p>General Sessions Charleston Childs, J.</p> <p>PERRON</p> <p>Common Pleas Charleston Dennis, R.</p> <p>GARRISON</p>
	<p><del>General Sessions</del> Charleston Hughston, Thomas</p> <p>CROSS 5, 6 TAYLOR 7 CROSS 8, 9</p> <p>Common Pleas Non-Jury Jefferson, Deadra</p> <p>PERRON 5, 6 NO CR NEEDED 7 PERRON 8, 9</p> <p>Common Pleas Charleston Buckner, Perry</p> <p>COOLEY</p> <p>Common Pleas Non-Jury Young, Roger</p> <p>KEIL</p>	<p><del>NO CR NEEDED 15</del> CROSS 16</p> <p>Common Pleas Charleston Buckner, Perry</p> <p>PERRON 12, 13, 14, 15 am NO CR NEEDED 15 pm NO CR NEEDED 16</p> <p>Common Pleas Non-Jury Lockemy, James</p> <p>COOLEY</p> <p>General Sessions Berkeley Dennis, R.</p> <p>GARRISON</p> <p>Common Pleas Charleston Young, Roger</p> <p>HARRIS</p>		<p><del>Common Pleas</del> Charleston Buckner, Perry</p> <p>BURNS</p> <p>General Sessions Charleston Hughston, Thomas</p> <p>COOLEY 26, 27 NO CR NEEDED 28, 1, 2</p> <p>Common Pleas Non-Jury 26, 27, 28, 1 Charleston Scarborough, Mikell</p> <p>ROLAND 26, 27, 28, 1</p> <p>General Sessions 26 Berkeley Watson, Robert</p> <p>MCDANIEL 26</p> <p>Common Pleas Non-Jury 2 Young, Roger</p> <p>WALKER 2</p> <p>General Sessions 2 Charleston Newman, Clifton</p> <p>COOLEY 2</p>
	<p>Family Court Berkeley McMahon, Judy L.</p> <p>DUPREE</p> <p>Family Court Charleston</p>	<p>Family Court 12, 13 Berkeley Creech, Wayne M.</p> <p>DUPREE 12, 13</p> <p>Family Court</p>	<p>Family Court Berkeley Creech, Wayne M.</p> <p>DUPREE</p> <p>Family Court Charleston</p>	<p>Family Court Charleston McMahon, Judy L.</p> <p>CROSS</p> <p>Family Court Berkeley</p>

\* \*

EXHIBIT  
(B)

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF BERKELEY        )


INDICTMENT FOR  
MURDER

At a Court of General Sessions, convened on February 7, 2007, Grand Jurors of Berkeley County present upon their oath:

That Gary Grant did in Berkeley County on or about the 2<sup>nd</sup> day of August, 2006, while acting in concert with co-defendants, feloniously, willfully and with malice aforethought, kill and murder one Dexter Perry, by means of blunt force trauma to the head and/or gunshot wounds, and Dexter Perry did die in Berkeley County as approximate result thereof on or about August 2, 2006. This action being in violation of §16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*R. C. Jones*  
Assistant Solicitor

(121) 



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

INDICTMENT FOR  
KIDNAPPING

EXHIBIT  
①

At a Court of General Sessions, convened on the February 7, 2007, Grand Jurors of Berkeley County present upon their oath:

That Gary Grant did in Berkeley County on or about the 2<sup>nd</sup> day of August, 2006, while acting in concert with co-defendants, seize, abduct, confine or carry away, Odoner Cobbs, Jr., by any means whatsoever without the authority of law and against the will and consent of Odoner Cobbs, Jr. This action being in violation of Section 16-3-910, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Blair C. Jennings  
Assistant Solicitor

126



EXHIBIT  
(E)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

INDICTMENT FOR  
KIDNAPPING

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Berkeley  
County present upon their oath:

~~That Gary Grant did in Berkeley County on or about the 2<sup>nd</sup> day of August, 2006, while acting~~

in concert with co-defendants, seize, abduct, confine or carry away, Joe Husser, by any means  
whatsoever without the authority of law and against the will and consent of Joe Husser. This in  
violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*R. C. Jones*  
Assistant Solicitor

(124) (Scribbled)



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

INDICTMENT FOR  
BURGLARY FIRST DEGREE

EXHIBIT  
(F)

At a Court of General Sessions, convened on February 7, 2007 the Grand Jurors of Berkeley County present upon their oath:

That Gary Grant did in Berkeley County on or about the 2<sup>nd</sup> day of August, 2006, while acting in concert with co-defendants, willfully, unlawfully and feloniously enter the dwelling located at 1106 Snow Goose Circle, Goose Creek, South Carolina, without consent and with the intent to commit a crime therein, to wit: kidnapping and armed robbery. These acts occurring with the following circumstances of aggravation, to wit: the entering or remaining occurred during the hours of darkness and/or when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, to wit: a handgun, and/or did cause physical injury to a person who is not a participant in the crime and/or used or threatened the use of a dangerous instrument and/or displayed what is or appeared to be a pistol or other firearm. This action in violation of Section 16-11-311, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

R. [Signature]  
Assistant Solicitor

(127) (Stamp)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

INDICTMENT FOR  
BURGLARY FIRST DEGREE

EX-100  
(G)

At a Court of General Sessions, convened on February 7, 2007 the Grand Jurors of Berkeley County present upon their oath:

That Gary Grant did in Berkeley County on or about the 2<sup>nd</sup> day of August, 2006, while acting in concert with co-defendants, willfully, unlawfully and feloniously enter the dwelling located at 634 Dutch Fork Road, Ladson, South Carolina, without consent and with the intent to commit a crime therein, to wit: kidnapping and armed robbery. These acts occurring with the following circumstances of aggravation, to wit: the entering or remaining occurred during the hours of darkness and/or when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, to wit: a handgun, and/or did cause physical injury to a person who is not a participant in the crime and/or used or threatened the use of a dangerous instrument and/or displayed what is or appeared to be a pistol or other firearm. This action in violation of Section 16-11-311, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

R. Brian C. Jennings  
Assistant Solicitor

128

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )

INDICTMENT FOR  
ARMED ROBBERY


EALISI  
(H)

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Berkeley County present upon their oath:

That GARY GRANT did in Berkeley County on or about the 2nd day of August, 2006, while ~~acting in concert with co-defendants,~~ take from the person or presence of Dexter Perry, the goods or monies of Dexter Perry, such goods or monies being described as an amount of U.S. currency and/or jewelry, while armed with a deadly weapon, to wit: a handgun. This action being in violation of Section 16-11-330, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*R. C. Jones*  
Assistant Solicitor

(122) 

SECTION 14-5-740. Terms of court in ninth circuit.

The courts of the ninth judicial circuit shall be held as hereinafter provided.

\* (1) Berkeley County. - The court of general sessions for Berkeley County shall be held at Moncks Corner on the second Monday in May and on the second Monday in October, in each case for one week. The court of common pleas for the county shall be held at ~~Moncks Corner on the third Monday in March for one week, the second Monday in June for two weeks and on the fourth Monday in September for two weeks.~~

(2) Charleston County. - The court of general sessions for Charleston County shall be held at Charleston on the first Monday in January for one week, on the first Monday in March for two weeks, on the fourth Monday in May for two weeks, on the second Monday in September for two weeks, and on the first Monday in December for two weeks. The court of common pleas for the county shall be held at Charleston on the second Monday in January for one week for the disposal of motions, equity matters, and any other matters not requiring the attendance of a jury, on the first Monday in February for four weeks for the disposal of jury matters, on the fourth Monday in March for five weeks for jury matters, on the second Monday in July for three weeks for jury matters and on the third Monday in October for six weeks, the first of which shall be for the disposal of motions, equity matters, and any other matters not requiring the attendance of a jury, and the remaining five weeks for the disposal of jury matters.

HISTORY: 1962 Code Section 15-278; 1952 Code Section 15-278; 1942 Code Section 59; 1932 Code Section 59; Civ. P. '22 Section 57; Civ. P. '12 Section 26; Civ. P. '02 Section 18; 1884 (18) 686; 1887 (19) 987; 1894 (21) 717; 1898 (22) 683; 1899 (23) 258; 1900 (23) 309; 1909 (26) 163; 1913 (28) 19, 31; 1915 (29) 179; 1917 (30) 138; 1920 (31) 725; 1921 (32) 203; 1923 (33) 128; 1925 (34) 280; 1926 (34) 1047, 1048; 1930 (36) 1135; 1931 (37) 245; 1941 (42) 118; 1947 (45) 525; 1953 (48) 64; 1954 (48) 1446; 1959 (51) 96; 1967 (55) 313; 1972 (57) 2179.

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NOTE: THE BERKELEY COUNTY PROSECUTOR OFFICE CREATED A VOIDS GRAND JURY OUT SIDE OF THE STATUTE OF LAWS OF SOUTH CAROLINA...

THIS WAS DISCOVERED THE SAME DAY APRIL 17th 2019

VOIDS PROCESS

EXHIBIT  
①

Patient: PERRY JR, DEXTER  
Med Rec: PERRYDEXTER  
DOB: 8/8/1986 Age: 20 years  
Sex: Male Race: Black  
ACCESSION: FA-06-00468  
Date Received: 8/2/2006  
Date Collected: 8/2/2006

Page: 1 of 11

**F o r e n s i c   A u t o p s y   F i n a l  
R e p o r t**

**Autopsy Information**

Date of Death: 8/2/06                      Time: 4:10 am  
Date of Autopsy: 8/2/06                    Time: 9:45 am  
County: Berkeley  
Coroner: Sam Tanner, Deputy  
Attending Pathologist: Kim A. Collins, MD  
Autopsy Technician: Brent Grimball  
Prosecutor(s): Yearwood/Collins

Reason for Autopsy: Gunshot Wounds  
(If Injury) How occurred: Shot by someone  
Date of Injury: 8/2/06                      Time: 1:25 am  
Place of Injury: House (yard)              At Work: No

**Cause of Death**

Inferior vena cava and left axillary vessel perforations due to  
Two, penetrating/perforating, close/indeterminant range gunshot wounds to the trunk  
Contributory: Blunt force head trauma, multiple gunshot wounds  
Interval = Hours

**Manner of Death**

Homicide

**CASE HISTORY**

According to the coroner, the decedent was a 20-year-old black male who was abducted from 1106 Snow Goose Court, Goose Creek, and brought to the Silver Fox Trailer Park at 634 Dutch Fork Drive, Ladson, on August 2, 2006 at approximately 1:26 a.m. The decedent's roommate saw the decedent's car outside the Silver Fox location and heard commotion inside. He proceeded to look through the window, and saw two or three individuals holding the decedent

Department of Pathology and Laboratory Medicine  
Forensic Pathology

Chair: Janice M. Lage, M.D.              Director: Kimberly A. Collins, M.D.

Forensic Pathology Phone: 843-792-3500

Forensic Pathology Fax: 843-792-3537

→  
TIME  
AND  
PLACE  
OF  
CASUALTY  
ADJUDICATED  
BY STATE  
THIS AT  
ALL...

TWENTY  
ONE  
↓

EXHIBIT  
 (J)

Patient: PERRY JR, DEXTER  
 Med Rec: PERRYDEXTER  
 DOB: 6/8/1986 Age: 20 years  
 Sex: Male Race: Black  
 ACCESSION: FA-06-00468  
 Date Received: 8/2/2006  
 Date Collected: 8/2/2006

Page: 2 of 11

Forensic Autopsy Final Report

at gunpoint. The roommate fired a shot through the window without hitting anyone. At this point, the decedent ran and was shot three times in the back while attempting to escape. The decedent was transported to the Medical University of South Carolina where he underwent left thoracotomy and exploratory laparotomy for multiple gunshot wounds to the back, left shoulder, left axilla and both hands. He received multiple units of packed red blood cells and fresh frozen plasma for massive blood loss. Operative findings included profuse bleeding from left kidney and left axillary vessels. Left nephrectomy was performed. No bullets were found or removed. He died in the operating room at 4:10 a.m.

PLACE OF DEATH →

TIME OF DEATH →  
 HARLESTON COUNTY  
 NOT

BERKELEY COUNTY  
 AS FALSE  
 JUDGMENT  
 STATES!!!

A complete autopsy is requested by Mr. Sam Tanner, Berkeley County Deputy Coroner, and is performed at the Medical University of South Carolina on August 2, 2006.

Please note that the description of the above events is that which was available at the time of this autopsy and is preliminary and subject to change pending receipt of additional data.

**GROSS DESCRIPTION**

**EXTERNAL EXAMINATION**

The body is that of a well-developed, well-nourished, adult black male, who weighs approximately 176 pounds, is 67.5 inches in length, and appears compatible with the stated age of 20 years. The body is identified by the coroner. An identification tag is around the right great toe. Identification bands are around each wrist. The body is cool to the touch. Rigor mortis is partially fixed in all extremities (2-3/4) and jaw (3/4). Livor is indiscernible. The scalp hair is brown and in locks, measuring up to approximately 6 inches in length over the crown. The irides are brown; the pupils are bilaterally equal. The corneas are transparent. The sclerae are anicteric. The conjunctivae are unremarkable. The nasal bridge is straight; the alae are broad. The nares are patent; the nasal septum is intact. The ears are not unusual. The left earlobe is pierced once. The lips are atraumatic. The upper and lower front teeth and incisors are yellow-metal; the other teeth are in good condition. The deceased has mustache and beard stubble. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical with an anteroposterior/lateral ratio of about 1:2. The chest and abdomen are hair-bearing. The abdomen is flat. The penis is circumcised; the testes are bilaterally descended within the scrotum. The anus and back are unremarkable. The upper and lower extremities are well-developed and symmetrical, without absence of digits. Identifying marks and scars consist of the

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