

State OF South Carolina

Robert Lee Isom #297314

V.

State OF South Carolina

IN THE APPEAL COURT OF South Carolina

CASE NO: 2019-CP-10-4357

Notice OF APPEAL

TO Final Order OF Dismissal By The Honorable
Roger Young Sr. In the Charleston County Court
OF Common Pleas. Dated: 7/18/22

Statement OF Claim

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AUG 15 2022

SC Court of Appeals

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OCT 10 2022

S.C. SUPREME COURT

Now Comes Applicant Robert Lee Isom #297314, prose with Notice of Appeal Final order of Dismissal By the Honorable Judge Roger Young Sr. In the Charleston County Court OF Common Pleas. Applicant states that the indictments upon which he was convicted do not contain information sufficient to convey jurisdiction upon the circuit court due to lack of Due process in indictment making sentence imposed void. As in accordance with S.C. Code Ann § 17-19-20 which states: Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place as required by law. The U.S.C.A. Const. Amend XIV section 1 states: in part that All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state 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. In the case of Rector 158, S.C. at 230, 155 S.E. at 392 it states in instances where such indictment is required, may thereafter justly take the position that he has been deprived of life, liberty, or property without due process of law in violation of the State Constitution. A denial of due process of law and is a defect that can be raised at any time, specifically the trial court has the inherent authority to dismiss an indictment where there has been an equivoically clear denial of due process. An order is void only if the court lacked personal jurisdiction or subject matter jurisdiction or if it acted in a manner inconsistent with due process of law. The notice that must be contained in an indictment is a component of the due process that is accorded every criminal defendant. U.S.C.A. 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 (2005) Although an indictment does not confer subject matter jurisdiction, due process requires that a criminal defendant be properly served with a valid indictment. U.S.C.A. Const. Amend. 14. Applicant states that indictment violated his due process right to the Constitution which render his conviction void and lack of due process deprived the court of jurisdiction to convict Applicant. Therefore based upon these stated facts within this Notice of Appeal Applicant states that Judgment to Dismiss was an error of law and shall therefore be vacated based upon these stated facts stated

Certificate OF Service

Now Comes Applicant Robert Lee Isom #297314 pr,ise with Notice OF Appeal
Stating that he has placed copies of Notice of Appeal in US Mail on this
10 day of August 2022 and mailed to the following
addresses listed below:

Lauren T. Mims
South Carolina Attorney General
Post office Box 11549
Columbia S.C 29211-1549

The Honorable Julie J. Armstrong
Clerk of F Court - Charleston County
100 Broad Street, suite 106
Charleston SC 29401

South Carolina Court of Appeals
1220 Senate St
Columbia SC 29201

* Robert Lee Isom
Robert Lee Isom #297314/HA-61
Lieber Correctional Inst
Ridgeville, SC 29472

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SC Court of Appeals

Exhibit #1

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Robert Lee Isom, #297314,)
)
)
Applicant,)
)
vs.)
)
State of South Carolina,)
)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2019-CP-10-04357

ORDER VACATING FINAL ORDER
OF DISMISSAL

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SC Court of Appeals

2021 MAR 29 AM 10:03
JULIE ARNSTROM
CLERK OF COURT
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This matter comes before the Court by way of an application for post-conviction relief (PCR) filed August 20, 2019. Respondent made its return on August 13, 2020, requesting the application be summarily dismissed based upon untimeliness and successiveness.

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 twenty days from the date of service of said Order in which to show why the dismissal should not become final. This Court then issued a Final Order of Dismissal signed and filed January 25, 2021.

It has come to the attention of the Court, Applicant filed a response to this Court's Conditional Order of Discharge on October 2, 2020. Therefore, this Court finds a sufficient reason why the Final Order of Dismissal filed on January 25, 2021 should be vacated.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Final Order of Dismissal is **VACATED**.


(2) a

Exhibit #1

AND IT IS SO ORDERED this _____ day of 3/29, 2021.

A large, stylized handwritten signature in black ink, appearing to read 'R. Young, Sr.', written over a horizontal line.

Roger M. Young, Sr.,
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

Robert Isom #297314
L.C.I. - A-A-61
P.O. Box 205
Ridgewille S.C. 29472

CHARLESTON SC 294

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SG Court of Appeals

South Carolina Court of
Appeals

Clerk of Court

1220 Senate St.

Columbia, S.C. 29201

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Mr. TOM
LIEBERG

29201-376999

