

Willie FRAZIER 219272

Appellant

In the South Carolina Supreme
Court

CASE # 2019-CA-06-0318

SCACR 243 (B)

EXPLANATION

State of South Carolina

Respondent

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S.C. SUPREME COURT

Since the July 7, 2022 order from Judge Chifton NEWMAN determined that Appellant PER was dismissed, due to statute of limitations, successive, then its Appellant who must show that this determination was improper through the basis of presenting material facts, as follows:

- (1) LACK of Jurisdiction to impose YOA sentence s.c. code 24-19-10
- (2) s.c. code 17-27-20-5 Expired sentence / violate due process
Ineffective assistance of counsel

The one year statute of limitations do not apply to claims involving subject matter jurisdiction, the trial court lack jurisdiction Feb 8, 1995 to sentence Appellant to the youthful offender act, for a offense of ~~APP~~ Attempted Armed Robbery, S.C. 24-14-10, excluded violent offenses, carrying

more than 15 yrs. violent offenses under S.C. Code 16-1-60
The Appellant is challenging a expired sentenced under 17-27-20(5)
that the court was without Jurisdiction to impose. Attempted
A/Robbery was decided not to be a qualifying offense for sentence
purposes to the youthful offender Act. See State v. Benjamin
W. 9846586 (Oct 13) ANY court acting without
Jurisdiction judgement is void, subject matter jurisdiction
can be raised at any time; the one year does not apply
See Brown v. STATE. Subject matter jurisdiction refers to a
court's constitutional or statutory power to adjudicate
a case, Fed 8, 1995 the trial court lack the ~~statutory~~ statutory
right to allow Appellate to plead guilty under the youthful offender
Act; Any court acting without Jurisdiction, judgement is
void. The successive rule does not apply to subject-matter
jurisdiction claims, it can be raised for the first time
even on Appeal; and also the doctrine of res judicata
was misplaced within the July 7, 2022 final order, therefore
this determination was also improper see Brown v. STATE
Based on these material facts the Appellate moves this
court to resolve ~~on~~ these claims involving subject-matter
jurisdiction, by this South Carolina Supreme court for the
first time on this Appeal, this prior conviction (YOA)
show a nexus between outcome of current sentence now
being served by Appellant to the two strike LAJ (LWOP)

~~State v. Benjamin~~
~~W. 9846586~~

The initial strike involve 1995 guilty plea to the offense of Attempted Armed Robbery, in which the Appellant now challenge as "Jurisdictional defects" Appellant concedes that the results of prior conviction still persist and has been declared by the South Carolina Supreme Court for challenge as long as applicant can show he or her suffer continual collateral consequence from invalid conviction. Applicant has demonstrated that prior conviction was invalid see *McDuffie v. State* 277 S.E.2d, *State v. Benjamin* SUPRA, Applicant therefore move this court to resolve this subject-matter claim in the interest of Justice S.C. Const Art 1 sect 3 supported by the 14th Amend due process, It is clear that the lower court is reluctant in processing Applicant claim for relief, which applicant seeks to have prior Youth Conviction vacated to have current Life sentence redressed under S.C. Code 17-27-20 (2) as a illegal sentence, having made this explanation, Applicant motion this court to remand for a evidentiary hearing in the lower court. Applicant has alleged ~~harm~~ in the Pleadings ineffective assistance of counsel, counsel failure to object to the 1995 guilty plea, due to non conformity S.C. Code 24-19-10 excluding violent offenses. Counsel should have had Applicant plea guilty to lesser offense to comply with the statute; offense could not then have been used as a strike June 24 1998 in Applicant sentencing phase to Life without parole *Coardes v. State* 206 S.E.2d 264 *Willifrazia* 10-15-22

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Will Frazier

10-15-22

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S.C. SUPREME COURT

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S.C. DEPARTMENT OF CORRECTIONS

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