

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

BREON JACOBY MAYERS #351910

Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA

Defendant(s)

Submitted By: BREON J. MAYERS

Address: #351910 F3 DORM

LEE C.I. 990 WISACKY HWY.

BISHOPVILLE, S.C. 29010

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP-

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), General (130), Breach of Contract (140), Fraud/Bad Faith (150), Failure to Deliver/Warranty (160), Employment Discrim (170), Employment (180), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -NI-, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Assault/Battery (370), Slander/Libel (380), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex/Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Sexual Predator (510), Permanent Restraining Order (680), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

OCTOBER 24, 2022

Submitting Party Signature:

Date:

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of LEXINGTON)

BREON JACOBY MAYERS #351910)

Full name and prison number (if any) of Applicant)

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention LEE C.I. 990 WISACKY HWY BISHOPVILLE, S.C.
29010 DORM F3
2. Name and location of Court which imposed sentence LEXINGTON COUNTY COURT
OF GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) SEE CASE 2015-CP-32-1590
"
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2012-GS-320-0182 MURDER LIFE
(b) 2012-GS-320-0183 BURGLARY 1st. DEGREE

(c) 2012-GS-320-0184 ARMED ROBBERY

5. The date upon which sentence was imposed and the terms of the sentence:

(a) SEE CASE 2015-CP-32-1590

(b) "

(c) "

6. Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty XXX

(c) after a plea of nolo contendere

7. Did you appeal from the judgment of conviction or the imposition of sentence?

YES

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. SEE CASE 2015-CP-32-1590

ii. "

iii. "

(b) the result in each such Court to which you appealed:

i. "

ii. "

iii. "

(c) the date of each such result:

i. "

ii. "

iii. "

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. "

ii. "

iii. "

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A

(b) "

(c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) 4TH., 5TH., 6TH., 13TH., 14TH., 15TH. AMENDMENT VIOLATION
- (b) DUE PROCESS VIOLATION; SUBJECT MATTER JURISDICTION; FRAUD
- (c) UPON THE COURT; PROSECUTIONAL MISCONDUCT; INEFFECTIVE ASSISTANCE OF COUNSEL

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) AMENDED PCR APPLICATION SHALL FOLLOW
- (b) "
- (c) "

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? SEE CASE 2015-CP-32-1590
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? "
- (d) any other petitions, motions or applications in this or any other Court? "

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. SEE CASE 2015-CP-32-1590
 - ii. "
 - iii. "
 - iv. "
- (b) the name and location of the Court in which each was filed:
 - i. "
 - ii. "
 - iii. "
 - iv. "

(c) the disposition thereof:

i. SEE CASE 2015-CP-32-1590

ii. "

iii. "

iv. "

(d) the date of each such disposition:

i. "

ii. "

iii. "

iv. "

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. "

ii. "

iii. "

iv. "

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

"

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. "

iii. "

(b) the proceedings in which each ground was raised:

i. "

ii. "

iii. "

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) COUNSEL WAS INEFFECTIVE; DIDN'T DISCOVER THE LEGAL ISSUES UNTIL NOW; THEY DEAL WITH FRAUD UPON THE COURT
- (b) AND SUBJECT MATTER JURISDICTION WHICH CANNOT BE WAIVED
- (c) OR FORFEITED AND CAN BE RAISED AFTER THE FINAL ORDER.

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? SEE CASE 2015-CP-32-1590
- (b) your trial, if any? "
- (c) your sentencing? "
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? "
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? "

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. "
 - "
 - ii. "
 - "
 - iii. "
 - "
- (b) the proceedings at which each such attorney represented you:
 - i. "
 - "
 - ii. "
 - "
 - iii. "
 - "

THE APPLICANT GIVES THE COURT AND PARTIES JUDICIAL NOTICE. THIS IS THE AMENDED PCR APPLICATION THE APPLICANT INFORMED THE COURT THAT WAS FORTHCOMING AND OR THAT WHICH IS SUBMITTED TO FILE OBJECTIONS TO ANY CONDITIONAL ORDER BECOMING FINAL IN THIS CASE. THIS NEWLY SUBMITTED DOCUMENT AND OR APPLICATION WILL FURTHER ADDRESS THE GROUNDS LISTED UNDER (10) OF THE PCR APPLICATION.

INASMUCH, IT IS BEYOND DISPUTE THAT THE "SENTENCING SHEETS" ARE THE STATE'S EQUIVALENT TO A COMMITMENT ORDER. THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. THIS PCR IS NOT MERELY FILED TO ATTACK THE INDICTMENT(S) AND OTHER CONSTITUTIONAL STRUCTURAL AND DUE PROCESS ERRORS THAT EXIST IN THIS CASE. THIS IS ALSO A COLLATERAL ATTACK UPON THE SENTENCING SHEETS WHICH ARE LEGALLY DESIGNATED AS "COMMITMENT ORDERS" AND THE FINAL ORDERS WITHIN ANY PAST PCR PROCEEDING AND OR CONDITIONAL ORDER PRESENTLY SUBMITTED FOR FRAUD UPON THE COURT AND CHALLENGE TO THAT COURT'S JURISDICTION, AS WELL AS CHALLENGE TO AND FOR THE CRIMINAL COURT'S JURISDICTION. THIS WOULD AUTOMATICALLY ESTABLISH CHALLENGE TO THE JURISDICTION OF ANY SUBSEQUENT STATE COURT THAT HEARD APPEAL RELATED TO THESE MATTERS, WHETHER THE APPEAL WAS DIRECT OR COLLATERAL IN REVIEW, DUE TO ANY FINAL ORDER BEING ISSUED FROM THE CRIMINAL COURT OR THE PCR COURT BEING JURISDICTIONAL REQUISITES TO ANY SUBSEQUENT REVIEW. IT WOULD BE AN ABUSE OF DISCRETION, OBSTRUCTION OF JUSTICE AND AN ACT OF FRAUD UPON THE COURT AND STATE TO DETERMINE THAT THE APPLICANT IS PROCEDURALLY BARRED WHEN MANY OF THE ISSUES INVOLVED IN THIS CASE ARE JURISDICTIONAL IN NATURE WHERE I AM ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY 2005 AND STATE v. LANGFORD 2012 PURSUANT TO RULES OF APPELLATE COURT PROCEDURE, RULE 217 INVOLVING LEGAL ISSUES WHICH CANNOT BE WAIVED OR FORFEITED, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL ORDER OR JUDGMENT HAS BEEN ENTERED IN ANY OF THE CASES ARGUED, STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); Tamm v. CINCINNATI INS. COMPANY, 2020 WL 60932(S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879, * 2 W.D.Tex.; UNITED STATES v.

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VALLADARES, 2019 WL 4888629, * 1, W.D.Tex.; ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235 (U.S.2006); STEVENS E. HECKER PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168 (Fed.Cl.2020); HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400 * 1 D.Md..

THE SENTENCING SHEET(S) AS COMMITMENT ORDER(S), ESTABLISH AN ORDER OR DECREE FROM THE GENERAL SESSIONS COURT TO COMMIT THE APPLICANT TO THE S.C. DEPT. OF CORRECTIONS PERTAINING TO THE APPLICANT'S CONVICTION WHICH IS A JURISDICTIONAL REQUISITE TO APPEAL ON DIRECT REVIEW AS THE FINAL ORDERS WITHIN ANY RELEVANT PCR ARE JURISDICTIONAL REQUISITE TO ANY SUBSEQUENT COLLATERAL REVIEW. BOTH ARE COMING UNDER FIRE DUE TO UNCONSTITUTIONAL ACTION THAT SHALL BE ASSERTED WITHIN THIS DOCUMENT ALSO DUE TO CIRCUMVENTING AND FAILURE TO HEAR JURISDICTIONAL ISSUES VIOLATING DUE PROCESS, WHICH CANNOT BE WAIVED OR FORFEITED BY THE APPLICANT WHERE THE HIRED AND OR STATE APPOINTED COUNSEL CONSPIRED UNDER COLOR OF STATE LAW WITH THE PROSECUTOR VIOLATING MY CONSTITUTIONAL RIGHT OF AUTONOMY TO PREVENT THE ISSUES FROM BEING HEARD WHICH VIOLATED U.S. SUPREME COURT HOLDINGS UNDER McCOY v. LOUISIANA, --S.Ct.--, 2018 WL 2186174(U.S.2018). SUCH UNCONSTITUTIONAL ACTION AND FRAUD UPON THE COURT(S) INVOLVED WHERE THE COURT(S) WERE PRIVY TO THESE INJUSTICES, RENDERS THE COMMITMENT ORDER(S) AT THE TRIAL LEVEL AND ALL FINAL ORDERS AT THE PCR LEVEL, INCLUDING ANY CONDITIONAL ORDER, VOID FOR UNCONSTITUTIONAL ACTION AS IS ARGUED WITHIN THIS AMENDED PCR APPLICATION. THUS, DUE TO THESE JURISDICTIONAL CHALLENGES AND FRAUD UPON THE COURT ARGUED WITHIN THIS DOCUMENT. ANY CLAIM OF STATUTE OF LIMITATIONS BAR OR SUCCESSIVE PCR WOULD NOT PREVENT REVIEW UNDER THIS PRESENTLY SUBMITTED PCR APPLICATION DUE TO SUCH CLAIMS BEING PROCEDURAL LIMITATIONS FOR WHICH A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF SUCH PROCEDURAL LIMITATIONS WHICH THE AFOREMENTIONED AND THOSE ARGUED WITHIN THIS DOCUMENT ARE. FRAUD VITIATES EVERYTHING THAT IT ENTERS AND A JUDGMENT PROCURED BY FRAUD MAY BE COLLATERALLY ATTACKED FOR THAT FRAUD

UPON THE COURT. THIS APPLIES TO ALL ACTS, ORDERS, JUDGMENTS OR DECREES OF ALL COURTS ON RECORD, WHICH THE SENTENCING SHEET(S), AS COMMITMENT ORDER(S) ALSO REPRESENT. ALSO SEE CITING OF LAW LISTED WITHIN THIS DOCUMENT. ALSO SEE MYLES v. DOMINOS PIZZA, LLC., 2017 WL 238436(D.C.Miss.2017); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014).

INASMUCH, THIS FILING IS FILED UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT(S) INVOLVED WHERE THE JUDGES WERE PRIVY TO ALL THAT OCCURRED CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL AND OR SOLICITOR'S OFFICE, TO DEPRIVE THE APPLICANT OF CONSTITUTIONAL PROTECTIONS. DUE TO ATTACKING THE "SENTENCING SHEET(S)" , WHICH ARE THE LEGAL DESIGNATED "COMMITMENT ORDER(S)", AND THE FINAL ORDERS WITHIN ANY RELEVANT PRIOR PCR PROCEEDINGS, WHICH ALSO ESTABLISH JURISDICTIONAL CHALLENGE TO ANY SUBSEQUENT APPEAL THAT OCCURRED AT THE STATE LEVEL, TO INCLUDE ALL OTHER DUE PROCESS VIOLATIONS ARGUED WITHIN THIS DOCUMENT WHICH ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. THEREFORE, THE STATE OF SOUTH CAROLINA, OR THE RELEVANT COUNTY COURT OF COMMON PLEAS, OR THE S.C. ATTORNEY GENERAL AND OR THE RELEVANT COUNTY SOLICITOR'S OFFICE, CANNOT FAIRLY OR LEGALLY ASSERT THAT THE APPLICANT IS "TIME BARRED", OR THAT THE PCR IS "SUCCESSIVE" WHERE THOSE ORDER(S) IN QUESTION WOULD BE DEEMED UNCONSTITUTIONAL AND A VIOLATION OF DUE PROCESS LAW DESIGNATING THAT THEY BE DEEMED VOID WHICH IS THIS PCR'S AIM. IT IS THE APPLICANT'S CLAIM THAT IT WAS AN ACT OF FRAUD UPON THE GENERAL SESSIONS COURT TO SIGN THE COMMITMENT ORDER(S), AND ON ANY POTENTIAL PCR COURT INVOLVED TO SIGN ANY RELEVANT FINAL ORDER(S) ABUSING THEIR DISCRETION WHEN THESE JURISDICTIONAL CHALLENGES EXISTED WHICH CANNOT BE WAIVED OR FORFEITED WHERE THE COURT AND PROSECUTOR KNEW GOOD AND WELL, CONSPIRING UNDER COLOR OF STATE LAW, THAT THESE SUBSTANTIAL DUE PROCESS AND UNCONSTITUTIONAL STRUCTURAL ERRORS ARGUED IN THIS DOCUMENT EXISTED WITHIN THIS CASE, SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY, --S.E.--, 2020 WL 6154305 (S.C.App.2020);

NATIONSTAR MORTG., LLC. v. MEISNER, S.E.2d., 2016 WL 1700516 (S.C.App.2016); OOO-RM INVEST v. NET ELEMENT INTERNATIONAL, INC., F.Scpp., 2014 WL 12613282 (S.D.Fla.2014); KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362(S.C.2019); FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020).

THEREFORE, . . . ANY RELEVANT PCR COURT SIGNING ANY RELEVANT FINAL ORDER(S) AND THE SIGNING OF THE COMMITMENT ORDER(S) IN THE GENERAL SESSIONS COURT ARE UNCONSTITUTIONAL AND THE GENERAL SESSIONS COURT, AND ANY RELEVANT COMMON PLEAS COURT'S JURISDICTION IS VOID FOR SIGNING THEM CORRUPTING THOSE PROCEEDINGS IN THEIR ENTIRETY, AS WELL AS ANY CONVICTION ATTACHED TO THEM BEING OF A NULLITY AND IS AS IF THERE WERE NO COMMITMENT ORDER(S), OR CONVICTION ATTACHED THERETO, WHICH INCLUDE ANY POTENTIAL SIGNED PCR PROCEEDING ORDER(S) MADE OR DONE AT ALL. IT IS WELL SETTLED IN LAW ALSO UNDER THE INDEPENDENT ACTION RULE, THAT A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF ALL PROCEDURAL LIMITATIONS SUCH AS ANY CLAIMS OF STATUTE OF LIMITATIONS, SUCCESSIVE FILING OR THAT ANY OTHER ACTION IS PENDING DUE TO FRAUD UPON THE COURT AND JURISDICTIONAL CLAIMS THAT ARE NOW ARGUED AND APPEAR IN THIS AMENDED PCR APPLICATION, WHERE ALL THE AFOREMENTIONED AND OR THOSE PRESENTLY ARGUED ARE ALL FORMS OF PROCEDURAL LIMITATIONS, IN RE: GENESYS DATA TECHNOLOGIES INC., 204 F3d. 124 (4th.Cir.2000); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599 (U.S.2016); UNITED STATES v. LIBOUS, 858 F3d. 64 (2nd.Cir.2017). ALSO SEE EXHIBIT(S) "COMMITMENT ORDER ATTACK" AND "CASE HISTORY".

SUBJECT MATTER JURISDICTION IS THE POWER TO DECLARE LAW, WHETHER IT BE UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG OR THE LEGISLATIVE PRONG TO SUBJECT MATTER JURISDICTION. THEREFORE, IT CANNOT BE WAIVED OR FORFEITED. THUS, WHEN IT CEASE TO EXIST. THE ONLY THING LEFT FOR THE COURT TO DO IS ANNOUNCE IT AND DISMISS THE CAUSE OF CONVICTION AGAINST THE APPLICANT WHICH CAN BE RAISED AT ANY TIME , EVEN AFTER A FINAL ORDER HAS BEEN ENTERED IN THE

CASE, ESPECIALLY IN LIGHT OF THE FACT THAT WE HAVE FRAUD UPON THE COURT ATTACHED TO THE JURISDICTIONAL CLAIMS MADE. AGAIN THE ISSUES ARE TO BE ADJUDICATED UNDER THE DUE PROCESS AND OR CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG THAT THE STATE COURTS IN THE PAST IN AN ABUSE OF DISCRETION ADJUDICATED SUCH ISSUES UNDER, SEBELIUS v. AUBURN REGIONAL MEDICAL CENTER, 133 S.Ct. 817, 184 L.Ed.2d. 627, 81 U.S.L.W. 4053 (U.S.2013); SIZWARD v. RIDDLE, F.Supp.2d., 2013 WL 707018 (DSC.2013); GRUPO DALAFLUX v. ATLAS GLOBAL L.P., 541 U.S. 567, 124 S.Ct.192, 158 L.Ed.2d. 866(U.S.2004); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY, --S.E.2d.--, 2020 WL 6154305 (S.C.App.2020); NATIONSTAR MORTG., LLC. v. MEISNER, S.E.2d., 2016 WL 1700516 (S.C.App.2016); OOO-RM INVEST v. NET ELEMENT INTERNATIONAL, INC., F.Supp., 2014 WL 12613282 (S.D.Fla.2014); KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362 (S.C.2019); FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.20020). BY THE ISSUES ARGUED EQUITABLE TOLLING ATTACHES DUE TO THE STATE PROSECUTOR AND S.C. SUPREME COURT'S INVOLVEMENT IN THE ISSUES OF CONCERN.

FOR THE RECORD, THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. TO PREVENT THE PROSECUTOR FROM MAKING A TOTALLY MERITLESS STATEMENT OR ASSERTION. IT DOES NOT MATTER WHERE THE APPLICANT GOT THE LEGAL ISSUES FOR WHICH HE SEEKS RELIEF FROM. THEY COULD HAVE COME FROM "FREDDIE CRUGGER", "BARACK OBAMA", "IRON MAN", "ABRAHAM LINCOLN", "THE LAW LIBRARY CLERK LAWRENCE CRAWFORD", "SPIDERMAN" OR "THE INCREDIBLE HULK". IT DOESN'T MATTER WHO THE APPLICANT WORKED CONJUNCTIVELY WITH TO PRODUCE THESE LEGAL ISSUES. ONCE THE APPLICANT "PERSONALLY" ENGAGED IN RESEARCH WHETHER IT BE ALONE OR WITH OTHER PARTIES, AND THE APPLICANT "PERSONALLY" DETERMINED THAT THE LEGAL ISSUES IMPACT HIS CONVICTION DIRECTLY, AND THEN "PERSONALLY" DECIDES TO PLACE THE LEGAL ISSUES FORTH IN THIS PCR? BY THE APPLICANT'S CONSTITUTIONAL DUE PROCESS RIGHT OF AUTONOMY, THE APPLICANT

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CANNOT BE PROCEDURALLY BARRED IN DOING SO. THE RIGHT TO DEFEND IS PERSONAL, AND THE DEFENDANT'S CHOICE IN EXERCISING THAT RIGHT MUST BE HONORED OUT OF RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF LAW. THE APPLICANT IS "MASTER" TO DECIDE WHAT LAW HE WILL RELY UPON, PEOPLE v. FLORES, 34 Cal. App. 5TH. 270, 246 Cal. Rptr.3d. 77 (Cal.2019); COLE v. STATE, 590 S.W.3d. 1, 3, Tex. App. BEAUMONT (Tex.2019); THE FAIR v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410(U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425(U.S.1987); LANCASTER v. KAISER FOUNDATION..., 958 F.Supp. 1137 (E.D.Va.1997); POWERS v. SOUTH CENTRAL UNITED FOODS & COMMERCIAL WORKERS,..., 719 F2d. 760(5th.Cir.1983).

A VIOLATION OF AUTONOMY IS COMPLETE WHEN THE COURT ALLOWS COUNSEL OR THE COURT ITSELF, TO USURP CONTROL OF AN ISSUE WITHIN THE APPLICANT'S SOLE PREROGATIVE, SUCH AS WHAT LEGAL ISSUES HE INTENDS TO ARGUE BEFORE THIS COURT, WHEN PRESENT, SUCH AN ERROR IS NOT SUBJECT TO HARMLESS ERROR REVIEW, MCCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821, 86 U.S.L.W. 4271 (U.S.2018); MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); WILLIAMS v. UNITED STATES, 2018 WL 4656231 (D.Conn.2018); UNITED STATES v. COBBLE, 2018 WL 4283063 (M.D.Ga.2018). THOSE LEGAL ISSUES ARE AS FOLLOWS:

HERE THE COURT WILL ALSO FIND ATTACHED, EXHIBIT, "CASE HISTORY".

19. State clearly the relief you seek in filing this application:

SENTENCE AND CONVICTION VACATED; RECORD EXPUNGED; NAME AND
DNA REMOVED FROM ANY DEROGATORY FILES

20. Are you now under sentence from any other court that you have not challenged?

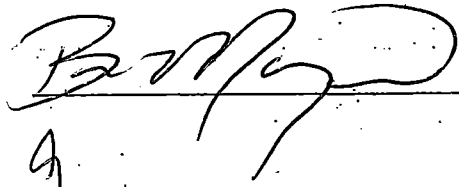
NO

STATE OF SOUTH CAROLINA)

County of LEXINGTON)

VERIFICATION

I, BREON JACOBY MAYERS #351910, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 9
day of Nov., 2022.

Debra Eastwood (L.S.)
Notary Public

My Commission Expires: 3/3/2024

RECEIVED

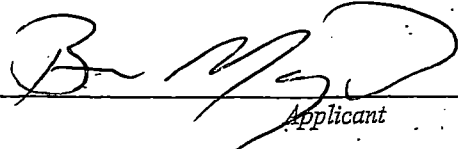
NOV 14 2022

S.C. SUPREME COURT

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, BREON JACOBY MAYERS #351910, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this
9 day of Nov, 2022.



Notary Public

My Commission Expires: 3/3/2024

RECEIVED
NOV 14 2022
S.C. SUPREME COURT