

IN THE SOUTH CAROLINA
COURT OF APPEALS

11-18-2022

RECEIVED

RE' CAUSE No. 2019A1310100055

NOV 22 2022

SC Court of Appeals

TOMAS Sowell - APPELLANT

VS

STATE OF SOUTH CAROLINA - RESPONDANT

TO THE HONORABLE CLERK:

Would THE HONORABLE CLERK OF SAID COURT ABOVE PLEASE FILE MY APPEAL IN THE ABOVE COURT OF APPEALS.

THIS ATTACHED COPY OF MY REQUEST FOR A NEW TRIAL AND NOTICE OF APPEAL IN ABOVE CAUSE WAS FILED AND SERVICE WAS GIVEN TO THE PROSECUTOR'S OFFICE AND CLERK OF COURT RIGHT AFTER THE CONVICTION, HOWEVER A FAMILY MEMBER CONTACTED ME AND I FOUND OUT THEY NEVER EVEN FILED IT, AND I WAS RUSHED TO PRISON IN ABOUT 3 DAYS AFTER CONVICTION I HAD THE RIGHT TO APPEAL AND INFORMED EVERY PARTY INVOLVED MY INTENT WELL WITHIN THE 30 DAY REQUIREMENT

2

AND JUST LIKE EVERY OTHER RIGHTS VIOLATION NOW THEY ATTEMPTED AND IMPEDDED MY RIGHT TO APPEAL, AND IF THIS COURT WILL REVIEW THE RECORD AND MY FILINGS PRIOR TO, AND AFTER TRIAL, IT WILL SEE WITHOUT ANY DOUBT, THIS APPELLANT CONSTITUTIONAL RIGHTS WERE CLEARLY VIOLATED KNOWINGLY AND INTENTIONALLY AND PROSECUTORS EXPEDITED THIS CAUSE TO PURPOSELY AND PREJUDICIALLY WRONGFULLY CONVICTION OF THIS APPELLANT

APPELLANT HAS A RIGHT TO APPEAL HIS UNFAIR TRIAL AND CONVICTION, SEE STRICKLAND VS WASHINGTON, U.S. SUPREME CT. (1984), AND REFUSED TO FILE MY APPEAL TO WHICH WAS TIMELY FILED AND TRANSFERRED HIM TO PRISON IN 3 TO 5 DAYS TO EXACT CRUEL AND UNUSUAL PUNISHMENT, U.S. CONST. 8TH AMEND.

PLEASE FILE THIS WITH THIS HONORABLE COURT OF APPEALS - SOUTH CAROLINA.

THANK YOU!
SINCERELY,
JONAS SOWELL
APPELLANT

CAUSE No 2019 A13101 00055

9-12-2022

1)

STATE - SOUTH CAROLINA
PLAINTIFF

VS.

JONAS SOWELL
DEFENDANT-APPELLANT

IN THE GENERAL
SESSIONS COURT
COUNTY OF CHESTERFIELD
SOUTH CAROLINA

MOTION FOR A NEW
TRIAL AND NOTICE
OF APPEAL OF
CONVICTION

TO THE HONORABLE COURT:

Comes now Defendant-Appellant in
the above styled and numbered cause and
request a new trial and appeal for the
following;

- 1) Defendant was denied a fair trial without
"notice" and no time to secure and present
witnesses in his favor.
- 2) Defendant was denied his right to habeas
court relief, and the state used a habeas
corpus request for reduction of excessive

2)

BAIL AS AN INSTRUMENT TO RUSH HIM TO TRIAL MAKING DEFENDANT GO TO TRIAL, RETALIATING AGAINST HIM USING PREJUDICE AND BIAS AGAINST HIM, FOR WITHDRAWING HIS PLEA, AS HE EXPLAINED IN HIS HABEAS CORPUS REQUEST,

3) DEFENDANT WAS NOT PROVIDED EFFECTIVE ASSISTANCE OF COUNSEL, IN WHICH SAME ATTORNEY WAS GIVEN, WHO FILED NO MOTIONS SECURED NO WITNESSES AND WHICH DEFENDANT CLEARLY INFORMED IN HIS EX PARTE HABEAS CORPUS THAT REDUCTION OF BAIL, THAT HIS INTENT WAS TO MAKE BAIL AND FOR HIM TO OBTAIN AN ATTORNEY, WHICH HE COULD "HIRE" TO DEFEND HIM PROPERLY AND WORK AND PAY

4)

DEFENDANT ARGUES THAT THE STATE USED THIS ILLEGAL PROCEDURE IN VIOLATION OF HIS DUE PROCESS, TO OBTAIN A CONVICTION IN ORDER TO SECURE A SECOND CONVICTION ON NEW CHARGES, SO AFTER THIS SENTENCE WAS COMPLETED, TO BRING HIM BACK FROM PRISON, AND PLEA BARGAIN ON NEW CHARGES FOR GUNS, IN WHICH THE STATE HAS NO GUNS, AND A PLEA BARGAIN PREVENTS THE STATE FROM PRODUCING GUNS THEY DON'T HAVE.

3)

SUMMARY

a) Defendant accepted a 2-yr plea bargain in July 2022 on charges that had been pending for 1-2 years, and was given until 1st week on Sept. 2022 to organize his personal affairs before serving his sentence. Defendant was given a court-appointed attorney "Ashley McIntyre" for defense.

b) In August, 2022 while out taking care of his affairs, defendant was pulled over by Chesterfield County Sheriff's Deputies and given new charges, arrested and bail was set at \$100,000.00, extremely excessive bail so while sitting in jail, defendant decided that he would withdraw his prior plea-bargain, request a bail reduction via habeas corpus, and the fact defendant was constantly be followed, harassed and put in jeopardy by sheriff dept deputies, and said sheriff's dept attempted to set defendant up, threaten friends to set him up, and even pay friends to set him up, and this is factual evidence that can be produced at trial, and that

4)

IN HIS AUGUST, 2022 ARREST HE WAS CHARGED WITH GUNS, AND THERE WERE NO GUNS, AND THE STATE HELD HIM IN CRESTFIELD COUNTY DETENTION CENTER UNDER A \$100,000 DOLLAR BAIL, AND NO WAY TO ACCESS TO COURTS, NO PAPER, NO PEN-PENCIL, NO LAW LIBRARY, NOT (1) LAW BOOK, ABSOLUTELY NONE, NOT EVEN A BRIEFING SYSTEM TO COMPLAIN WITH, AND INFORMED THE STATE THROUGH FAMILY MEMBERS HIS INTENT TO FILE COMPLAINTS FOR DENYING INMATES AND HIMSELF TO THE FEDERAL DISTRICT COURT, ABOUT RIOTS 2 OR 3 THIS YEAR (2022) AND A JULY ATTACK ON GUARDS WITH THE FAMILY HELP FILED A HABEAS CORPUS FOR BAIL REDUCTION AND NOTICE OF HIS WITHDRAWAL FROM THE JULY 2022 PLEA BARGAIN WHICH WAS AN "ACT OF GOD" TO EVEN GET THE DOCUMENTS TO THE COURT/STATE/CHECK, IN A "TIMELY" FASHION. ALL PLEAS/DEFENDANT FILINGS ARE UNDER Howes vs KERR U.S. SCOT 92 AT 594 THEN ON SEPT 7th 2022, DETENTION OFFICERS INFORMED DEFENDANT HE WAS SCHEDULED FOR A BOND HEARING TO GET READY HE WOULD BE TRANSPORTED TO THE COURT.

UPON ARRIVING TO COURT, THE DEFENDANT WAS GIVEN THE SAME ATTORNEY HE HAD FOR THE JULY 2022 PLEA BARGAIN AND FORCED

5)

TO GO TO TRIAL.

Defendant argues he was told it was a Habeas Corpus Bail Hearing, and he was given no NOTICE of any trial, and was entitled to notice, and just like at the July 2022 Plea Bargain was told if he didn't accept the 2-yr Plea Bargain, his case was to be set a date for trial and time to prepare, but because he filed a Habeas Corpus was retaliated against, prejudiced and rushed into a trial he had no idea was coming and with the same attorney who was upset because he withdrew his Plea Bargain, with no time to prepare, no witnesses allowed to be called, and Defendant argues because he is a poor, uneducated African American (Black man), that the state used this against him showing bias, extreme prejudice, deceitful practices and the fact all persons other than him were [white] at this/these procedures.

Then the Honorable Judge Burch reduced the 2-yr Plea Bargain, accepted Defendant's withdrawal and gave him 18 months, with 30 days credit for spending the last 30 days in

6)

JAIL UNDER NEW CHARGES,

HOW CAN THE TRIAL COURT GIVE DEFENDANT 30 DAYS CREDIT FOR TIME IN JAIL ON CHARGES ("NEW") CHARGES HE WASN'T EVEN BEEN TO COURT ON OR CONVICTED OF, AND CREDIT THOSE 30 DAYS TO AN OLD CHARGE, HE NOW WAS CONVICTED ON.

DEFENDANT ARGUES THE STATE HAS VIOLATED HIS 1ST 4TH 5TH 6TH 8TH AND 14TH AMENDMENTS OF THE CONSTITUTION OF THE U.S., THE CONSTITUTION OF THE STATE OF S.C., HIS RIGHTS TO HABEAS CORPUS, UNDER § 9, CLAUSE 2 OF THE U.S. CONSTITUTION, CHAPTER 17 S.C. CODE OF CRIMINAL PROCEDURE (SUSPENSION), AND HIS RIGHTS TO A FAIR TRIAL ACCROSS THE BOARD AND USED HIS HONEST REQUEST, TO DECEPTFULLY OBTAIN A CONVICTION, AND HAS PREJUDICED HIS CASE(S), PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL AND HAVE DONE EVERYTHING IN THEIR POWER, TO PUT ANOTHER POOR, POVERTY-STROCKEN UNEDUCATED "BLACK MAN" IN PRISON, IT'S NOTHING NEW, IT'S EVERYDAY, JUST BECAUSE IT'S EASY FOR THEM, AND ALL THIS DEFENDANT HAS IS HIS RIGHTS, AND THE REQUEST TO THE COURTS TO MAKE SURE HIS RIGHTS ARE NOT VIOLATED AND NOW THEY TOOK THAT TOO.

7)

REQUEST TO COURT

DEFENDANT REQUEST IS THAT THE APPELLANT COURT REVIEW THE ENTIRE CASE(S) AGAINST THE DEFENDANT, DISMISS WITH PREJUDICE THE CHARGES AGAINST HIM, AND THAT THE CHARGES (ALL) BE DISMISSED DUE TO THE FACT THE UNDERHANDNESS, TRICKERY, DECEIT, BIASNESS PREJUDICE AGAINST HIM, HE CANNOT BE AFFORDED A FAIR TRIAL NOW, AND BY FILING THESE DOCUMENTS, MORE "HATRED" WILL FOLLOW AND RETALIATION AGAIN AND AGAIN, AND IF DENIED REQUEST TO ATLEAST GRANT HIM A NEW TRIAL and/or APPEAL.

PRAYER

WHEREFORE PREMISES CONSIDERED, DEFENDANT PRAYS THE COURT GRANT THE REQUEST ABOVE, OR DETERMINE UPON THE FACTS, HE WAS NOT ACCORDED A FAIR & TIMELY TRIAL WITH NOTICE SO HE COULD PREPARE.

SINCERELY

Jones Howell
Defendant/Appellant

8)

DECLARATION

I, JAMES SOWELL, DEFENDANT / APPELLANT
DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT.

DEFENDANT / APPELLANT
James Sowell

9)

CERTIFICATE OF SERVICE

I JONAS SWEEL CERTIFY THAT ON THIS 12TH DAY OF SEPT, 2020 THAT COPIES OF HIS REQUEST FOR NEW TRIAL, APPEAL OF CONVICTION HAS BEEN DELIVERED TO CLERK OF COURT, CITESTERFIELD COUNTY, PROSECUTOR'S OFFICE TO BE FILED ACCORDINGLY, AND TO BE MAILED TO THE 4TH JUDICIAL COURT OF APPEALS, ALSO.

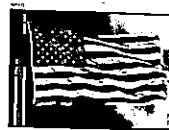
Defendant / APPELLANT
Jonas Sweel

JONAS SWELL, SCDC # 303698
KIRKLAND RECEPTION AND EVALUATION
4344 BROAD RIVER RD.
COLUMBIA, S.C. 29210

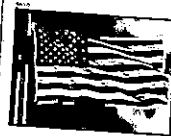
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TO THE HON. CLERK:
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA
29201