

THE SOUTH CAROLINA COURT OF APPEALS

TERRY L NORMAN) APPELLATE CASE NO:
V) 2022-001200
WARDEN WALLACE)

NOW HERE COMES THE PRO-SE PETITIONER WHO HEREBY APPEALS THE DECISION OF THE CIRCUIT COURT DENYING HIS HABEAS-CORPUS PETITION.

THIS COURT UPON REVIEWING PETITIONERS NOTICE OF APPEAL STATED THAT IT NOTED THE FOLLOWING DEFICIENCIES. (1) THE APPEAL WAS NOT ACCOMPANIED BY THE ORDERS OR JUDGEMENT CHALLENGED ON APPEAL. AND (2) THE COURT ALSO STATED THAT THE CIRCUIT COURT DETERMINED THAT HABEAS RELIEF WAS IMPROPER IN THE CIRCUIT COURT BECAUSE THE ISSUES COULD HAVE BEEN RAISED IN A TIMELY APPLICATION UNDER THE POST-CONVICTION RELIEF ACT.

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IN ADDRESSING THESE DEFICIENCIES THE PETITIONER STATES THAT THE LOWER COURT DID NOT ADDRESS ANY OF THE PETITIONER'S CLAIMS ON THE MERITS AND DID NOT PROVIDE PETITIONER WITH ANY WRITTEN ORDER MAKING ANY FINDINGS OF FACTS OR CONCLUSIONS OF LAW TO EACH AND EVERY CLAIM RAISED BY THE PETITIONER.

AS TO THE SECOND DEFICIENCY THE CIRCUIT COURT DID NOT MAKE ANY FINDING THAT HABEAS RELIEF WAS IMPROPER IN THE CIRCUIT COURT BECAUSE THE ISSUES COULD HAVE BEEN RAISED IN A TIMELY APPLICATION.

THEREFORE THIS COURT IS MAKING FINDINGS OF FACTS AND CONCLUSIONS THAT IS NOT SUPPORTED BY THE RECORDS.

THERE IS NO EVIDENCE IN THE RECORD THAT THE CIRCUIT COURT MADE THIS FINDING.

ASSUMING FOR ARGUMENT SAKE THAT THIS COURT HOLD THAT HABEAS-CORPUS WAS INADEQUATE IT SHOULD HAVE BEEN TREATED AS A P.C.R. AND ALLOWED PETITIONER TO PROCEED. SEE EC. GIBSON V STATE 329 SC 37 495 SE 2d 426 NOTE 9, 13

FURTHERMORE THE PURPOSE OF HABEAS-CORPUS IS TO TEST THE LEGALITY OF THE PRISONER'S PRESENT DETENTION. MCCALL V STATE 247 SC 15. 145 SE 2d 419 (1965)

FURTHERMORE PETITIONERS RAISE THE ISSUE OF LACK OF SUBJECT MATTER JURISDICTION WHICH IS AN ISSUE THAT CAN BE RAISED AT ANYTIME AND AT ANY STAGE OF PROCEEDINGS INCLUDING FOR THE FIRST TIME IN THIS COURT

PETITIONERS CLAIM GOES TO THE LEGALITY OF HIS DETENTION IN THAT THE CONSTITUTIONAL AND STATUTORY REQUIREMENT FOR INITIATING CRIMINAL PROSECUTION AGAINST HIM FOR MURDER WAS NOT COMPLIED WITH IN THAT THERE WAS A LACK OF "ORIGINAL" JURISDICTION AND A LACK OF "EXCLUSIVE JURISDICTION" BECAUSE PROSECUTION WAS INITIATED BY THE ISSUANCE OF A WARRANT FROM AN INFERRIOR COURT AMOUNTING TO A SEPARATION OF POWERS DOCTRINE VIOLATION AND THE HOLDING IN RAINEY V HAILEY 404 SC 320 745 SE 2d 81 SC COMP REP 188 5 § 11

BECAUSE PURSUANT TO STATE STATUTE 17-19-40 JURISDICTION IN MURDER CASES HAVE TO BE "EXCLUSIVE" HAVING MADE THIS APPEAL THE APPELLANT REQUESTS THAT THIS COURT REMAND THIS CASE FOR A HEARING AND DETERMINATION ON THE MERITS OR TREAT SUCH AS A POST CONVICTION RELIEF.

TERRY L. NORMAN
PETITIONER / APPELLANT

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I TERRY NORMAN
HAS CAUSE AN APPEAL TO BE FILED WITH THE
SOUTH CAROLINA APPEALS COURT BY PLACING SAME IN
THE UNITED STATES MAIL HERE AT KIRKLAND CORATCHMUD
INST ON THIS 8th DAY OF DEC 2022

PERSONS SERVED

CLERK OF COURT

JENNY ABBOTT KITHENS

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TERRY L. NORMAN 19854

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done this 8th day of DEC 2022

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DEAR CLERK

Please Find For Filing

(1) APPEAL

(2) CERTIFICATE OF SERVICE

Thank you

TERRY L. NORMAN

"COVER"

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To CLERK OF COURT
South Carolina Court of Appeals
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