

THE STATE OF SOUTH CAROLINA
In THE South Carolina Court of Appeals

CASE NO. 2022-001672

WILLIE YOUNG 285487
Appellant

SCDC (2)
Respondent

RECEIVED
DEC 21 2022
SC Court of Appeals

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

I Willie Young, STATE THAT I AM THE APPELLANT AND THAT
I DO NOT HAVE THE FUNDS TO PAY FILING FEE. I
HEREBY REQUEST THAT FEE BE WAIVED. IN SUPPORT
ARE TWO (2) FINANCIAL STATEMENTS. APPELLANT
RECEIVED NOTICE OF FILING FEE DECEMBER 7, 2022
(SEE ATTACH A) (SEE ATTACH B)

DATE: 12/9/22

s/ Willie Young

3*

THUS, IF THE LEGISLATURE DEFINES A CORE CRIME (ROBBERY) AND THEN PROVIDES FOR INCREASING THE PUNISHMENT OF THAT CRIME UPON A FINDING OF SOME AGGRAVATED FACT (ARMED: POSSESSION OF A WEAPON), THEN THE CORE CRIME AND AGGRAVATING FACT, TOGETHER, CONSTITUTE AN AGGRAVATED CRIME (VIOLENT CRIME). SIMILARLY, IF THE LEGISLATURE HAS PROVIDED FOR SETTING THE PUNISHMENT OF A CRIME BASED ON SOME FACT, THAT FACT IS ALSO AN ELEMENT, THAT MUST BE PROVED BEYOND A REASONABLE DOUBT. MCMILLAN V. PENNSYLVANIA, 477 U.S. 79; APPRENDI V. NEW JERSEY, 530 U.S. 466.

IN RE WINSHIP 397 U.S. 358; ESTABLISHED THAT PROOF BEYOND A REASONABLE DOUBT IS ESSENTIAL OF 14TH AMENDMENT DUE PROCESS, AND FOLLOWS, THAT WHEN SUCH A CONVICTION OCCURS IN A STATE TRIAL, IT CANNOT CONSTITUTIONALLY STAND. WHILE THERE ARE CONSTITUTIONAL LIMITS BEYOND WHICH THE STATES MAY NOT GO IN THIS REGARD, THE APPLICABILITY OF THE REASONABLE DOUBT STANDARD IS USUALLY DEPENDENT ON HOW A STATE DEFINES THE OFFENSE THAT IS CHARGED IN ANY GIVEN CASE. MCMILLAN, SUPRA

ACCORDING TO SOUTH CAROLINA CODES OF LAW, LEGISLATURE DEFINES ARMED ROBBERY AS: A PERSON WHO COMMITS ROBBERY WHILE ARMED WITH A PISTOL OR OTHER DEADLY WEAPON OR WHILE ALLEGING, EITHER BY ACTION OR WORDS, HE WAS ARMED WHILE USING A REPRESENTATION OF A DEADLY WEAPON OR ANY OBJECT WHICH A PERSON PRESENT DURING THE COMMISSION OF THE ROBBERY REASONABLY BELIEVED TO BE A DEADLY WEAPON, IS GUILTY OF A FELONY AND UPON CONVICTION, MUST BE IMPRISONED FOR A MANDATORY/MINIMUM TERM OF NOT LESS THAN TEN YEARS, OR MORE THAN THIRTY YEARS (16-11-330A). PETITIONERS INDICTMENT FOR ARMED ROBBERY CLEARLY STATED; "WHILE ARMED WITH A DEADLY WEAPON BEING: A HANDGUN", WHICH WAS THE CHOSEN DEFINITION BY THE PROSECUTION TO DEFINE THE ESSENTIAL ELEMENT OF THE OFFENSE, WHICH MUST BE PROVEN BEYOND A REASONABLE DOUBT. 14TH AMEND. U.S.C.A.; APPRENDI, SUPRA

* IT IS THE DUTY OF THE GOVERNMENT TO ESTABLISH GUILT BEYOND A REASONABLE DOUBT. THIS NOTION IS A REQUIREMENT AND A SAFEGUARD



South Carolina Court of Appeals

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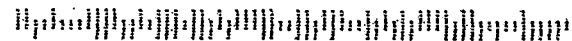
ZIP 29201
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ATTACH A

DEC 07 REC'D

WILLIE YOUNG, III, 285487 *FSC0212*
EVANS CORRECTIONAL INSTITUTION
610 HIGHWAY #9, WEST
BENNETTSVILLE SC 29512

29512-213010



Attach B

SCDC INMATE FINANCIAL SYSTEM

12/02/22

E. H. COOPER

ACCOUNT SUMMARY

ACCOUNT TYPE: I ACCOUNT ID:: 285487 CURR LOC: 0531 EVANS

YOUNG III, WILLIE -

TYPE OF FREEZE : NONE SUSPENSE DTE.....: 00/00/00

AMOUNT OF FREEZE: 0.00 REST. HOLD AMOUNT: 0.00

CASH WITHDRAWALS: 0.00 LAST UPDATE : INPEHCPY DATE:: 01/04/22

CANTEEN PURCHASE: 0.00

TEXT :

DATE	REF-NUM	TYPE	DEPOSIT	WITHDRWL	BALANCE
_ 12/02/22	919719	PHONE DEBIT	0.00	5.00	9.16
_ 12/01/22	919671	MEDICAL CO-P	0.00	5.00	14.16
_ 11/30/22	919647	TABLET TIME	0.00	15.00	19.16
_ 11/30/22	919382	PHONE DEBIT	0.00	6.00	34.16
_ 11/28/22	919372	MEDICAL CO-P	0.00	0.99	40.16
_ 11/28/22		PAGE: 0002			
_ 11/23/22	REF-NUM	TYPE	DEPOSIT	WITHDRWL	BALANCE
_ 11/21/22	919372	RX COPAY	0.00	5.00	41.15
	919372	SMALL DAMAGE	0.00	0.40	46.15
DATE	919372	SMALL DAMAGE	0.00	0.60	46.55
_ 11/21/22	919372	SMALL DAMAGE	0.00	1.20	47.15
_ 11/18/22	919372	SMALL DAMAGE	0.00	2.45	48.35
_ 11/18/22	919372	COPIES	0.00	2.00	50.80
_ 11/16/22	919372	SMALL DAMAGE	0.00	0.90	52.80
_ 11/15/22	919372	POSTAGE REST	0.00	1.10	53.70
_ 11/10/22		PAGE: 0003			

DATE	REF-NUM	TYPE	DEPOSIT	WITHDRWL	BALANCE
_ 04/04/22	919372	SMALL DAMAGE	0.00	23.00	77.16
_ 04/03/22	2022094001	MONEY ORDER	100.00	0.00	100.16

Proof of Service

I Willie Young attest a copy of the above was served upon
Administrative law Court, 1205 Pendleton St. Suite 224, Col 29201
And SCDC general counsel 4444 Broad River Rd. Col 29221
S.C. court of appeal P.O. box 11629, Col 29221

Date: 12/9/22

1/3, Willie Young

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SC Court of Appeals

Willie Young 285487

610 HWY 9 WEST

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Pob 11629

Cola S.C. 29211