

TABLE OF AUTHORITIES

4th Amendment U.S.C.A, 5th Amendment U.S.C.A, 4th Amendment, U.S.C.A, 18 U.S.C.A, 3161(a), 3162(a)(b)(1) Defect Indictment, 18 U.S.C.A 1503, 1505, Tampering with record, Entrapment Defense, Nolle Pross S.C. Code Ann Law: 17-27-45(A) (Supp. 2000) S.C. Code Ann Law: (15-2-40) Supp. 2008. After - Discovered Evidence, EXELL-V-STATE 343 S.C. 312, 548 S.E. 2d, 852 (2001) Robbins-Southerland-V-STATE, 237 S.C. 610, 584 S.E. 2d, 833, Martinez-V-Ryan, 516 U.S. 138 S.Ct. 1209, 188 L.Ed. 2d, 272, U.S.-V-CONTIERAS, Cited at 197 F. Supp. 2d, 1175. Criminal law: 577.15.(5) subject matter Jurisdiction Final conclusion and Evidence of Fact. The (Petitioner) was convicted on hearsay evidence. Atty. was defective in his performance as well as appellate counsel. The court did not have subject matter jurisdiction to prosecute the Petitioner, in addition with delayed Defect of Indictment, The Petitioner was not taken before the Grand Jury for arraignment. The indictment was delayed, Prosecution failed to file an amended action on the indictment in relation to the (Deceased) Death, which was of Natural Causes. The STATE dismissed the murder charge at (Petitioner's) Guilty Plea trial to Involuntary Manslaughter, (Petitioner) was sentence to (5) years on that charge and (25) years for Armed Robbery. Defense Atty. and Appellate counsel submitted a defective Appeal Briefs. Summary Judgment should be Over-Turned. (1) The Petitioner's guilty Plea is the direct and approximate result of Atty.'s coercion. (2) Solicitor delayed the enactment of indictment and failed to bring the (Petitioner) for pre-trial hearing, and tried the (Petitioner), is a violation of the 5th and 14th Amendment. U.S.C.A. Trial Judge did not have subject-matter jurisdiction over the (Petitioner) to impose sentence pursuant to 18 U.S.C.A 3161, 3162(a)(b) indictment was delayed. Statute of limitation, Petitioner, was not presented for pre-trial hearing. (3) Entrapment Defense is applicable to this case under Rule of Nolle Pross Defense, which show the co-defendant, implicated the (Petitioner) as a carry, yet, Petitioner's presence and all witness files (Petitioner) of the charge. Because co-defendant, held the (Petitioner) at gun point made her a co-defendant by the state based on hearsay evidence of the co-defendant. (4) Defense Atty and Appellate Defense submitted defective appeal briefs. (5) The order of dismissal should be altered under F.R.C.P. Rule 59(e) A right to P.C.R. hearing

APPLICANT'S STATEMENT OF THE CASE

EXHIBIT (10)

INEFFECTIVE ASSISTANCE OF COUNSEL

Hearsay evidence was the cause of arrest conviction. Hearsay evidence was used as factual evidence to arrest and conviction of the (Applicant). Hearsay rule, S.C.R.C.P. 801(A)(9); yet, under rule 801(D)(1) under impeachment of the evidence. It clearly states, freeing, the (Applicant) of all charges; which is, also consistent with 18, U.S.C.A, 3161, 18 U.S.C.A, 3162 (a) (1) (b) consequences of delayed indictment, which is also consistent with 18, U.S.C.A. 1305 secondary to entrapment/Note Pros Defense re-opening of the States evidence under Fed. Rule. C. Proc. Rule. 11 (b) will reveal all evidence in support of this appeal, as to why denial of P.E.R. should be altered under Fed. R.C.P. Rule 59 (e). The reality in this case is that the (Applicant) is being held in prison illegally and unlawfully. The United States Court held that, a defendant conviction by prosecution and police misconduct, cannot be upheld. It has to set aside the conviction, on the basis of 4th, 5th, 6th and 14th Amendment violation.

10/26/12

Peggy Kyle Johnson

Notary

Comm Exp 11/23/14

THE SUPREME COURT OF SOUTH CAROLINA

Crystal Young & Tracy
v.s.

Motion to Supplement the Records
under S.C.R.A.P. rule 211(b)
212(a)(b)

The STATE OF SOUTH CAROLINA

The Petitioner files this motion to supplement the record on appeal. The Petitioner omitted prior orders of dismissal on her Notice of Intent to Appeal brief, these documents were accidentally misplaced during a shutdown and, post (previous) documents was discovered on Oct 22nd 2012. Enclosed are the following documents.

- (1) Conditional Order of Dismissal of 2011
- (2) Final order of Dismissal of 2011

Notices sent to:

Atty Gen: Mrs. Karen C. Hatgan

Clerk of Court Mr. Daniel E. Sharow

Peggy Kyle Johnson 10/26/12

Notary

Comm Exp 11/23/14

RECEIVED

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S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

APPEAL From

Exhibit (10)

Greenville County COURT OF COMMON PLEAS

Chief Administrative Judge G. Edward Welmaker

Crystal Yoney - 274297

NOTICE OF INTENT TO

V.S.

APPEAL RULE S.C.

The STATE OF SOUTH CAROLINA

S.C.R.C.P. 203

The "Petitioner" files this Notice of Intent to The Final Order of Dismissal, from the Honorable Judge G. Edward Welmaker on March 30th 2012. Appeal from Court of Common Pleas of Greenville County. Detentioner, filed 2nd P.C.B. Respondent submitted its motion for an order of Dismissal. (Applicant) submitted a response of the Dismissal March, 2012. Final order of Dismissal issued on 3-30-2012. The (Applicant) submitted a notice of Intent to Appeal on April, 2012. (Applicant) appear pro se without aid of counsel on P.C.B. claim.

IN THE SUPREME COURT OF SOUTH CAROLINA

Crystal Voney - 274247

v.s.

NOTICE OF INTENT TO APPEAL
under S.C.R.A.P. Rule 803 MOTION TO
ALTER JUDGEMENT under Fed.R.C.R. 59(e)

THE STATE OF SOUTH CAROLINA

Final Conclusion OF Law:

lower court erred in summary dismissal on STATUTE OF limitation, without an
Evidentiary Hearing, supp. 2006, under S.C. Code Ann. Law: 17-27-45(A)
COURT has allowed previously so cosine P.C.M. relief claim, where there
is a unique combination of Facts, Citing → case - v - STATE, 277, S.C. 471,
289, S.E. 2d. 413 (1988); also, S.C. Code Ann. Law (15-3-41) supp 2002)
under rule 41.1. (g) S.C.R. C.P. Denial of P.C.R. Appellate counsel
cannot be denied.

KNOWN TO AND SUBSCRIBE BEFORE ME

ON THIS DAY OF OCTOBER 2012

NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA