

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Certiorari to Aiken County
Honorable Jennifer B. McCoy; Circuit Court Judge

RECEIVED

MAR 06 2023

SC Court of Appeals

WILLIE A. SEAWRIGHT;

PETITIONER

✓

STATE OF SOUTH CAROLINA;

RESPONDENT

RECEIVED

MAR 02 2023

SC SUPREME COURT

APPELLATE CASE NO 2021-001087

PETITIONER'S NOTICE OF MOTION AND MOTION FOR
A VACATION OF SENTENCE PURSUANT TO RULE 60(b)
(3)(4)(5) SOUTH CAROLINA RULES OF CIVIL PROCEDURES

TO: RESPONDENT, NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED PETITIONER
WILL MOVE BEFORE THE STATE OF SOUTH CAROLINA SUPREME COURT
JUDGE PRESIDING OVER THIS CASE, FOR A JUDGMENT-ORDER VACATING THE
PETITIONER'S SENTENCE PURSUANT TO RULE 60(b)(3)(4)(5) S.C.R.C.P. BY
THIS HONORABLE COURT, AT SUCH TIME AND PLACE AS SET BY THE COURT
OF WHICH YOU THE RESPONDENT WILL BE NOTIFIED; UNLESS, OTHERWISE
SPECIFIED.

PETITIONER SUPPORTS THIS MOTION WITH HIS MEMORANDUM OF LAW AND
EXHIBITS ATTACHED...

RESPECTFULLY SUBMITTED
S/ Willie A. Seawright

MR WILLIE A. SEAWRIGHT # 377348

EVANS-CORR-INST

* 610 HWY * 9 WEST

BENNETTSVILLE, SC # 29512

DATE: 2:22nd 2023, AD

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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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MAR 06 2023

SC Court of Appeals

CERTIORARI TO AIKEN COUNTY

HONORABLE JENNIFER B. MCCOY, Circuit Court Judge

WILLIE A. SEAWRIGHT,

PETITIONER APPELLATE CASE NO. 2022-003087

v.

STATE OF SOUTH CAROLINA;

MEMORANDUM OF LAW

RESPONDENT

PROCEDURAL HISTORY

The petitioner is presently confined in the South Carolina Dept. of Corrections pursuant to orders of commitment from the Aiken Co. Clerk of Court on June 11, 2018. An Aiken Co. Grand Jury indicted petitioner for FAILURE TO STOP FOR A BLUE LIGHT RESULTING IN DEATH (2018-GS-0901273), and possession of stolen vehicle (2018-GS-0201434) on August 20, 2018. Petitioner pled guilty to FAILURE TO STOP FOR A BLUE LIGHT RESULTING IN DEATH, and possession of a stolen vehicle before the Honorable William P. Keesley, App. 1 Victor L. represented petitioner and Sam Grimes, Assistant Solicitor, represented the State. App. 1. Judge Keesley sentenced petitioner to concurrent terms of twenty-five years for failure to stop for blue light resulting in death and thirty days for possession of a stolen vehicle. App. 1.

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SC SUPREME COURT

STATEMENT OF THE CASE

The petitioner's conviction is not based upon a lawfully and sworn to indictment which is tantamount to aggravated kidnapping and is a bar to all prosecution in accordance to the South Carolina Constitution - U.S. Constitution. South Carolina Code of Laws; and South Carolina Rules of Court.

STANDARD OF REVIEW

The matter presented below for review is not a challenge to the court's general grant of authority to hear and determine cases. That authority is rightfully granted by our Constitution STATE V. GENTRY, 363 S.C. 93, 620 S.E.2d 494 (2005); and will not be at issue here. Instead the petitioner contends that the Court of General Sessions for Aiken County failed to comply with statutory law jurisdictional in nature; specifying the manner and means for lawful return of true-billed indictments.

STATEMENT OF THE FACTS

The statutory provisions at issue here are contained in Section's § 14-9-210, and § 14-5-630, and provides in pertinent part that: The County solicitor shall prepare and through the presiding judge of the Court of General Sessions submit to the Grand Jury while

IN ATTENDANCE upon THE COURT OF GENERAL SESSIONS BILLS OF INDICTMENT IN ALL CASES pending IN THE COUNTY COURT IN WHICH THE PUNISHMENT MAY EXCEED A FINE OF ONE HUNDRED DOLLARS OR IMPRISONMENT FOR THIRTY DAYS; WHEN SUCH CASES HAVE NOT BEEN PREVIOUSLY ACTED ON BY THE GRAND JURY. THE GRAND JURY SHALL ACT THEREON; AND SHALL REPORT ITS ACTION TO THE PRESIDING JUDGE OF THE COURT OF GENERAL SESSIONS; AND SAID JUDGE SHALL DIRECT THE COURT OF GENERAL SESSIONS TO REPORT THE SAME TO THE PRESIDING JUDGE OF THE COUNTY DURING ITS NEXT ENSUING TERM...

SECTION § 14-9-210

§ 14-5-630 (2) AIKEN COUNTY. THE COURT OF GENERAL SESSIONS FOR AIKEN COUNTY SHALL BE HELD AT AIKEN ON THE SECOND MONDAY IN JANUARY FOR TWO WEEKS; THE FIRST MONDAY IN MAY FOR THREE WEEKS; AND THE FIRST MONDAY IN OCTOBER FOR TWO WEEKS...

ARGUMENT

The Trial Court Lacked subject Matter jurisdiction and personal jurisdiction to accept the petitioner's Guilty plea, Based on an unlawful - void indictment, INVALID proceedings; and fraud upon the Court by the State.

The petitioner's evidence establishes that the State unlawfully impaneled its Grand Jury outside the jurisdiction of the Court of General Sessions for Aiken County; and then willfully printed and published false information in its indictment to keep SECRET ITS violation of Statutory Law.

In this case Indictments for Failure to Stop for Blue Light Resulting in Death (2018-GS-0101273), possession of Stolen Vehicle (2018-GS-0201434) True-Billed Indictment prints that: At a Court of General Sessions, Convened on June 11, 2018. The Grand Jurors of Aiken County present upon their oath; however, the date of True-Bill is June 7, 2018¹
SEE: Exhibit-A. Attached

The petitioner's evidence clearly establishes that there was no term of court for the Aiken County Court of General Sessions on June 7, 2018, or June 11, 2018, for any Grand Jury to convene on.
SEE: Exhibit-B- (2018 Terms of Gr. Court calendar) Attached

Therefore, because of the fact, the petitioner was indicted outside the terms of Court of General Sessions for Aiken County strictly against mandatory law under sections: § 14-9-216 and § 14-5-630 (a) the trial court lacked subject matter jurisdiction to accept the petitioner's guilty plea, and its judgment is void.
SEE: KATZBURG V. KATZBURG, 410 S.C. 184, 764 S.E.2d 3 (Ct. App. 2017)
("A judgment of a court without subject matter jurisdiction is void and constitutes grounds for the court to vacate the judgment.")
("A void judgment is one that from its inception is a complete nullity and is without legal effect.")
STATE V. GRIM, 341 S.C. 63, 533 S.E.2d 329 (S.C. 2000) ("The circuit court does not have subject matter jurisdiction to hear a guilty plea unless the defendant has been indicted by a grand jury")

1. This creates an issue warranting a hearing on the matter of subject matter jurisdiction. SEE: ANDERSON V. STATE 338 S.C. 629, 529 S.E.2d 398 (Ct. App. 2000)
("Remand was required for hearing to determine whether court that tried defendant for murder was vested with subject matter jurisdiction.")

INNOVATIVE WASTE MGMT INC. V. CREST ENERGY PARTNERS GP LLC, 423 S.C. 611; 615-815 S.E.2d 780-782 (Ct. App 2018) ("A Court Has No Jurisdiction To perpetuate A Void Judgment.")

WARE V. WARE, 404 S.C. 1; 17, 743 S.E.2d 17; 822 (2013) ("A Judgment Is Void If A Court Acts Without Jurisdiction.")

KOSCIUSKO V. PARHAM, 428 S.C. 981; 836 S.E.2d 362 (2019) ("A Judgment of A Court without Subject Matter Jurisdiction Is Void.")

S.C. DEPT. OF SOCIAL SERVICES V. TRAN, 428 S.C. 308; 792 S.E.2d 254 (S.Ct. App 2016) ("A Judgment of A Court without Subject Matter Jurisdiction Is Void.")

DOVE V. GILDKRIST INC., 314 S.C. 235-442 S.E.2d 598 (S.C. 1994) ("Court Lacking Subject Matter Jurisdiction Has No Authority To Act Regardless of Geographical Location or Consent of Litigants.")

PENAL CODES (STATUTES §)

Criminal Statutes Must BE Strictly Construed Against THE STATE. STATE V. MIDDLETON, 367 S.C. 527; 626 S.E.2d 174 (App 2006). THE TERM "SHALL" IN A STATUTE MEANS THAT THE ACTION IS MANDATORY. SEE: JOHNSTON V. SOUTH CAROLINA DEPT. OF LABOR, LICENSING AND REGULATION, SOUTH CAROLINA REAL ESTATE APPRAISERS BD., 365 S.C. 293; 617 S.E.2d 363 (2005). CALHOUN V. CALHOUN, 399 S.C. 76; 529 S.E.2d 14 (2000) ("THE USE OF THE WORD "SHALL" IN A STATUTORY PROVISION INDICATES THE PROVISION IS MANDATORY."); AND WHERE A STATUTE'S LANGUAGE IS PLAIN AND UNAMBIGUOUS AND CONVEYS A CLEAR AND DEFINITE MEANING; THERE IS NO OCCASION FOR EMPLOYING RULES OF STATUTORY INTERPRETATION AND THE COURT HAS NO RIGHT TO LOOK FOR OR IMPOSE ANOTHER MEANING.

Collins v. Doe, 352 S.C. 762, 574 S.E.2d 739 (2002), and a judgment by a court in a criminal case must conform strictly to the statute, and any variation from its provisions renders the judgment void. SEE: STATE v. MOORE, 255 S.E.2d 448 (S.C. 1979), and no local rule of court, administrative order, policy or other procedure can take precedent over statutory law, which is always controlling. SEE: STATE v. COTTINGHAM, 224 S.C. 101; 77 S.E.2d 897 (S.C. 1953)

Accordingly, sections § 14-9-210 - § 14-5-630 requires strict compliance with its provisions; and mandates that the grand jury must be impaneled under the jurisdiction of the court of general sessions before lawful return of a true-billed indictment can take place.

CONSTITUTIONAL LAW

All statutes are presumed constitutional and will if possible be construed so to render them valid. Weaver v. Recreation District, 431 S.C. 357, 848 S.E.2d 760 (2020) and the Supreme Court is reluctant to declare a statute unconstitutional; hence it will make every presumption in favor of finding the statute constitutional. Bodman v. State, 403 S.C. 60, 792 S.E.2d 363 (2013)

FRAUD UPON THE COURT BY THE PROSECUTION (PER JURY)

Fraud upon the court is a narrow and invidious species of fraud that subverts the integrity of the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. Sanders v. Smith, 431 S.C. 605, 848 S.E.2d 604 (2020)

AS OUR SUPREME COURT CITED IN RIDDLE V. OZMINT 369 S.C. 39, 71, 78, 631 S.E. 2d 70 (2006)

" A PROSECUTOR'S DELIBERATE DECEPTION OF A COURT AND JURORS BY THE PRESENTATION OF KNOWN FALSE EVIDENCE IS INCOMPATIBLE WITH AUDIMENTARY DEMANDS OF JUSTICE."

CITING GIGLER V. US 705 U.S. 250, 253, 72 S.Ct. 763, 31 L.Ed. 2d 164 (1972)

AND THE FAILURE TO CORRECT FALSE EVIDENCE IS AS REPREHENSIBLE AS ITS PRESENTATION. WASHINGTON V. STATE 324 S.C. 232, 478 S.E. 2d 833 (1976)

RULE 60(b)(4) S.C.R.C.V.P. PROVIDES THE COURT MAY RELIEVE A PARTY FROM A FINAL JUDGMENT, ORDER OR PROCEEDING IF SUCH JUDGMENT IS VOID. THE DEFINITION OF VOID UNDER THE RULE ONLY ENCOMPASSES JUDGMENTS FROM COURTS WHICH FAILED TO PROVIDE PROPER DUE PROCESS, OR JUDGMENTS FROM COURTS WHICH LACKED SUBJECT MATTER JURISDICTION OR PERSONAL JURISDICTION. SANDERS V. SMITH, 431 S.C. 605, 848 S.E. 2d 604 (2020); SEE ALSO: BELL HALL PLANTATION HOME OWNERS ASSOCIATION INC. V. MURRAY, 419 S.C. 605, 617, 799 S.E. 2d 310, 316 (Ct. App. 2017) (QUOTING UNIVERSAL BENEFITS INC. V. MCKINNEY, 349 S.C. 179, 183, 561 S.E. 2d 659

661 (Ct. App. 2008), AND THIS RULE DOES NOT LIMIT THE POWER OF A COURT TO ENTERTAIN AN INDEPENDENT ACTION TO RELIEVE A PARTY FROM A JUDGMENT, ORDER, OR PROCEEDING, OR TO SET ASIDE A JUDGMENT FOR FRAUD UPON THE COURT. RULE 60(b)(3)(5) S.C.R.C.V.P.

RULE 3(c) S.C.R.C.V.P. REQUIRES SOLICITORS TO FILE INDICTMENTS WITH THE CLERK OF COURT, YET AS EVIDENT HERE THE RECORD IS DEVOID OF INDICTMENT NOS (2018-GS-0201993); FAILURE TO STOP FOR BLUE LIGHT RESULTING IN DEATH, (2018-GS-0201434); POSSESSION OF STOLEN VEHICLE EVER BEING ON

RECORD Filings with THE AIKEN COUNTY CLERK OF COURT. RULE 37 S.C.R.
CRIMP Mandates; THESE RULES SHALL APPLY TO EVERY TRIAL COURT OF
CRIMINAL JURISDICTION WITHIN THIS STATE (ADOPTED EFFECTIVE SEPTE-
MBER 1, 1988) S. CAROLINA COURT RULES 37 @ pp 956-2010 edition.

SEE: EXHIBIT: C (October 23, 2002 ORDER OF THE SUPREME COURT OF
SOUTH CAROLINA RE: FILING INDICTMENTS WITH THE CLERK OF COURT) ATTACHED

IN CLOSING

TAMPERING WITH THE ADMINISTRATION OF JUSTICE IN THE MANNER
UNDISPUTEDLY SHOWN HERE INVOLVES FAR MORE THAN INJURY TO THE
PETITIONER (WILLIE A. SEAWRIGHT JR.) IT IS A WRONG AGAINST THE
INSTITUTION SET UP TO PROTECT AND SAFEGUARD THE PUBLIC INSTITU-
TION IN WHICH FRAUD CANNOT COMPLACENTLY BE TOLERATED CONSISTENTLY
WITH THE GOOD ORDER OF SOCIETY. SURELY IT CANNOT BE THAT PRESERVATION
OF THE INTEGRITY OF THE JUDICIAL PROCESS MUST ALWAYS WAIT UPON THE
DILIGENCE OF LITIGANTS; THE PUBLIC WELFARE DEMANDS THAT THE AGENCIES
OF PUBLIC JUSTICE BE NOT SO IMPOTENT THAT THEY MUST ALWAYS BE MUTE
AND HELPLESS VICTIMS OF DECEPTION AND FRAUD. HAZEL-ATLAS GLASS CO. V
HARTFORD EMPIRE CO, 64 S. CT. 997; 1001 (1994).

ACCORDINGLY FRAUD ON THE COURT IS MISCONDUCT BY AN OFFICER OF THE COURT
THAT IS DIRECTED AT THE JUDICIAL MACHINERY ITSELF. SEE: SECTION
§ 16-9-10 (A)(2)

"IT IS UNLAWFUL FOR A PERSON TO WILLFULLY
GIVE FALSE MISLEADING; OR INCOMPLETE IN-
FORMATION ON A DOCUMENT; RECORD; REPORT; OR
FORM REQUIRED BY THE LAWS OF THIS STATE."
S. CAR. CODE OF LAW § 16-9-10 (A)(2) PERJURY AND SUBORDINATION OF PERJURY.

SEE: THE petitioner's TRUE-BILLED INDICTMENTS ATTACHED AS EXHIBIT A.

Thus; Fraud upon THE COURT BY THE PROSECUTION²/RESPONDENT IS CLEARLY EVIDENT HERE:

CONCLUSION

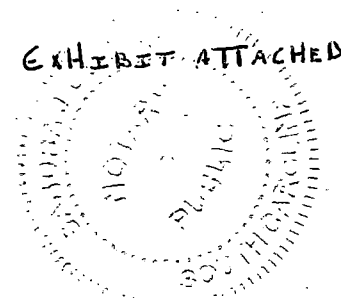
BECAUSE THE petitioner Willie A. SEAWRIGHT Guilty plea, SENTENCE WAS NOT BASED ON A lawfully and Sworn TO INDICTMENT, HIS INCARCERATION IS ILLEGAL AND IS TANTAMOUNT TO AGGRAVATED KIDNAPPING AND IS A BAR TO ALL PROSECUTION IN ACCORDANCE TO THE CONSTITUTION OF OUR UNITED STATES! HAMILTON V MCCOTTER, 772 F.2d 173, 183 (5TH Cir. 1985)

RELIEF FROM JUDGMENT

That the petitioner's SENTENCE BE VACATED, WARRANTING HIS IMMEDIATE RELEASE FROM HIS ILLEGAL INCARCERATION WITHIN THE RESPONDENT'S CORRECTIONAL-PENAL INSTITUTION... RESPECTIVELY...

RESPECTFULLY SUBMITTED
W. Seawright

I SWEAR UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE-ACCURATE & CORRECT & THAT EACH EXHIBIT ATTACHED HERETO THIS MOTION IS GENUINE-AUTHENTIC!
SWORN TO BEFORE ME ON THIS 22 DAY OF February, 2023, AD.
NOTARY PUBLIC FOR SOUTH CAROLINA: Sandra Cullen
MY COMMISSION EXPIRES: 2117124



2. SEE: STATE V. RAYFIELD, 369 S.C. 106; 631 S.E.2d 244 (2006) ("IT IS THE SOLICITOR'S DUTY TO SEE THAT JUSTICE IS DONE; HE MUST SEE THAT NO CONVICTION TAKES PLACE EXCEPT IN STRICT CONFORMITY WITH THE LAW; AND THAT THE ACCUSED IS NOT DEPRIVED OF ANY CONSTITUTIONAL RIGHTS OR PRIVILEGES.") B.109 ("A SOLICITOR IS AN OFFICER OF THE COURT; WHO REPRESENTS ALL THE PEOPLE, INCLUDING THE ACCUSED.")

Exhibit A

WITNESSES

Salley Police Department

J E Goldman

Law Enforcement Case #: 17-0051

SBG

ARREST WARRANT NUMBER

2017A0211100021

FILED June 7 2018

Robert J. White
C.C.P. & G.S.

Ann Sanders
Deputy Clerk

ACTION OF GRAND JURY

True B:11

James Lee

Foreperson of Grand Jury
Date: June 7, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0201273

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2018

THE STATE

vs.

WILLIE ALBERT SEAWRIGHT JR.

CDR #: 2398

Indictment for

FAILURE TO STOP FOR BLUE LIGHT
RESULTING IN DEATH

§ 56-05-0750(C)(2)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
FAILURE TO STOP FOR BLUE LIGHT
RESULTING IN DEATH

§ 56-05-0750(C)(2)

At a Court of General Sessions, convened on June 11, 2018, the Grand Jurors of Aiken County present upon their oath:

That **WILLIE ALBERT SEAWRIGHT JR**, did in Aiken County, on or about January 13, 2017, in the absence of mitigating circumstances, wilfully and unlawfully fail to stop while driving a motor vehicle on a road, street or highway of the state for a law enforcement vehicle after being signaled to do so by means of a flashing light and/or siren, and the road conditions were such that a reasonable driver could hear and/or see the signals, and did cause the death of one Ny'zarria Kitchings as a result of said failure to stop, all in violation of Section 56-5-750(C)(2), *Code of Laws of South Carolina*, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

WITNESSES

Salley Police Department

J E Goldman

Law Enforcement Case #: 17-0051

SBG

ARREST WARRANT NUMBER

2017A0211100020

FILED June 7 2018

Robert J. White
C.C.P. & G.S.

Ann Sanders
Deputy Clerk of

ACTION OF GRAND JURY

True Bill

[Signature]

Foreperson of Grand Jury
Date: June 7, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0201434

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2018

**THE STATE
vs.**

WILLIE ALBERT SEAWRIGHT JR

CDR #: 3466

Indictment for

POSSESSION OF STOLEN VEHICLE

§ 16-21-80

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
POSSESSION OF STOLEN VEHICLE

§ 16-21-80

At a Court of General Sessions, convened on June 11, 2018, the Grand Jurors of Aiken County present upon their oath:

That **WILLIE ALBERT SEAWRIGHT JR** did in Aiken County on or about January 13, 2017, knowingly and unlawfully have in his possession a stolen vehicle which he was not entitled to possess, to wit: 1999 Toyota Camry Solara valued at less than Two Thousand Dollars and belonging to Tiffany Johnson. All in violation of §16-21-80 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



J. STROM THURMOND, SOLICITOR

Exhibit B

Search

Terms of Circuit and Family Court
June 2018

Circuit Number	6/4/2018	6/11/2018	6/18/2018	6/25/2018
<u>2</u>	<p>Common Pleas/Common Pleas Nonjury Aiken Early, Doyet</p> <p>SIGWALD 4, 5 NO CR NEEDED 6, 7, 8</p> <p>Common Pleas/Common Pleas Nonjury Barnwell Keesley, William</p> <p>KELLY 4, 5 NO CR NEEDED 6, 7, 8</p>	<p>Common Pleas Non-Jury Early, Doyet</p> <p>SIGWALD 11 NO CR NEEDED 12 SIGWALD 13, 14 NO CR NEEDED 15</p> <p>General Sessions Aiken Keesley, William</p> <p>NEVERS</p> <p>General Sessions Non-Jury 13 Early, Doyet</p> <p>SIGWALD 13</p>	<p>General Sessions Bamberg Early, Doyet</p> <p>SIGWALD 18, 19, 20 NORTON 21 NO CR NEEDED 22</p> <p>Common Pleas/Common Pleas Nonjury Aiken Dickson, Edgar</p> <p>NO CR NEEDED 18 MOFFITT 19 NO CR NEEDED 20 NEVERS 21</p>	<p>General Sessions Aiken Early, Doyet</p> <p>SIGWALD</p> <p>Common Pleas/Common Pleas Nonjury Bamberg Curtis, Kristi</p> <p>NO CR NEEDED</p> <p>Common Pleas Non-Jury 26, 27, 28 Early, Doyet</p> <p>SIGWALD 26, 27, 28</p>
	<p>Family Court Aiken Ballenger, Karen F.</p> <p>HAYES 4, 5, 6, 7 NEVERS 8</p>	<p>Family Court Bamberg / Barnwell Gable, Dale Moore</p> <p>HAYES 11, 12, 13, 14 NO CR NEEDED 15</p> <p>Family Court Aiken Snelgrove, Vicki J.</p> <p>JOHNSON</p>	<p>Family Court Aiken Gable, Dale Moore</p> <p>HAYES</p> <p>Family Court Aiken Snelgrove, Vicki J.</p> <p>JOHNSON</p>	<p>Administrative Week Gable, Dale Moore</p> <p>Family Court Barnwell Pogue, Timothy H.</p> <p>HAYES</p> <p>Family Court Aiken Snelgrove, Vicki J.</p> <p>CENDROSKI 25 JOHNSON 26, 27, 28, 29 am</p>

Exhibit E

The Supreme Court of South Carolina

RE. Filing Indictments With the Clerk of Court

ORDER

Rule 3(c), SCRCRMP, requires solicitors to file indictments with the Clerk of Court. In some counties, solicitors are retaining the original indictments which have been returned by the grand jury until the proceedings are concluded. This local practice leads to problems and confusion in some cases. Accordingly, effective the date of this order, all original indictments which have been returned by the grand jury shall immediately be filed with the Clerk of Court.

IT IS SO ORDERED

Jean Hofer Toal
Jean Hofer Toal, Chief Justice

Columbia, South Carolina
October 23, 2002

http://www.sccourts.org/court/Orders_display.asp?orderNo=140701023001

Not on record w/out clerk

1-11th amend, due process - state

1-11; Total law 1/11/02

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
CERTIORARI TO Aiken County
Honorable JENNIFER B. MCCOY, Circuit Court Judge

RECEIVED

MAR 06 2023
SC Court of Appeals

WILLIE A. SEAWRIGHT,

PETITIONER.

APPELLATE CASE NO. 2021-001007

STATE OF SOUTH CAROLINA,

RESPONDENT

RECEIVED

MAR 02 2023

SC SUPREME COURT

NOTARIZED CERTIFICATE OF PROOF OF SERVICE

The petitioner Willie A. Seawright, #377348, hereby certify a true copy of the petitioner's Notice of Motion and Motion for a Vacation of Sentence, Pursuant to Rule 60(b)(3)(4)(5), and Memorandum of Law, and Supporting Exhibits - A-B-E - in the above referenced case have been served upon Michael J. Neubauer, Esquire at P.O. Box #11549, Col 2, SC# 29211, #1549, this 24 day of Feb 2023, and via UNITED STATES MAIL.
S/Willie Seawright

Sworn to before me on this
24th day of Feb 2023, AD;

NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

Sarahy Orr

my Commission Expires: 2/17/24

From:

MR WILLIE A. SEAWRIGHT; #377348,
EVANS - CORR-INST
610 HWY #9 WEST,
BENNETTSVILLE, SC #29512.

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SC SUPREME COURT

FEBRUARY 22nd 2023, AD

TO: HONORABLE DONALD BEATTY; CHIEF JUSTICE;
SOUTH CAROLINA SUPREME COURT,
1331 GEVAIS ST,
BOX # 11330.
COLUMBIA, S.C. #29211.

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SC Court of Appeals

RE: SEAWRIGHT v. STATE, APPELLATE CASE NO. 2021-002007

DEAR CHIEF JUSTICE BEATTY,

PLEASE FIND ENCLOSED A COPY OF THE PETITIONER WILLIE A SEAWRIGHT JR.
1: NOTICE OF MOTION; AND MOTION FOR A VACATION OF SENTENCE
PURSUANT TO RULE 60(b)(3)(4)(5) S.C.R. CIV/P
2: MEMORANDUM OF LAW
3: SUPPORTING EXHIBITS - A-B-E;

SUBMITTED TO THIS COURT BY THE PETITIONER, FOR THE COURT'S CONSIDERATION
OF HIS APPEAL IN THIS CASE

Thank you.

Sincerely

WILLIE A. SEAWRIGHT JR

Mr. Willie A. Seawright #377370
Evans. Court Inst. F. 28-#143
610 Hwy #9 West
Bennettsville, SC #29512



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HONORABLE DONALD BENTLEY, CHIEF JUSTICE
SOUTH CAROLINA SUPREME COURT,
1231 GEVAIS ST.
Box # 11330,
COLUMBIA, S.C. # 29211

