

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From Barnwell County  
Honorable Edgar W. Dickson, Circuit Court Judge

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RECEIVED

JUN 20 2013

S.C. SUPREME COURT

TERRY DAVIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2012-212078

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MOTION TO DISMISS APPEAL

The undersigned petitions this Court to Dismiss Appeal base on the Contradictions in the transcript:

1. The Appeal that was file is frivolous, AND solely taken for the purpose of delay.
2. The Appeal was taking without the petitioner consent, and the petitioner never advise the post-Conviction Hearing Attorney to file the appeal.

3. The transcript of the petitioner trial are fabricated, and there are many contradictions as to what the witnesses testified during the trial. The witnesses Linda Glover and Terry Davis testimony was altered and now there is a different meaning been conveyed.
4. The Court Reporter Cheri L. Young stated that she wasn't the Court Reporter over proceeding held on October 5, 2010 and that she has no knowledge of the proceeding, and she never transcribe the proceeding.
5. There would be no meaningful appellate review. STATE V LADSON 644 S.E. 2d 271, STATE V LAGERQUIST 176 S.E. 2d 141. The only purpose in obtaining the transcript of the trial proceeding was to enable to assert their right to appellate review upon merits of their conviction. Where a right of appeal is granted an accused must be afforded due process and equal protection of the law in its exercise Const. Art 1 and 5, U.S. CA Const Amend 14.
6. There will be no appeal taken. My Constitution right was violated at the post-conviction-hearing. Where the fabricated document was introduced by Aimee J. Zmrozek, Esquire my Attorney. She deceived the court and me. She denied me access to the court. I'm not going to file an appeal knowing that my Constitution right was already violated. I want this appeal dismissed or. Grant me leave to make motion Rule 60(b) Fraud upon the court.

7. I will not allow my constitutional rights to continue to be violated. I inform Robert M. Dudek and Chief Justice Scahill Toal of the situation dealing with my transcript. This is the last resort. The next step I will be filing a constitutional tort claim. Dealing with my constitutional rights. I was denied access to the court. I also have evidence at my hands. I just want justice served.

WHEREFORE, Petitioner respectfully request that this court grant his motion to dismiss appeal of the court grant leave to make motion Rule 60(B) <sup>SCCP</sup> Fraud Upon the Court, and commends further proceeding to the discretion of this court

Respectfully submitted,  
Terry Davis

Terry Davis, 197349  
TRENTON Corr. Inst. 2A19  
84 Greenhouse Road  
Trenton, S.C. 29847

This day of June, 2013

County of Edgefield  
State of South Carolina  
Subscribed and sworn to before me  
this 17th day of June, 2013  
by Elaine M. Freeman Notary Public  
My commission expires June 27, 2021.

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM BARNWELL COUNTY  
HONORABLE EDGAR W. DICKSON, Circuit Court Judge

---

TERLY DAVIS

PETITIONER

v.

STATE OF SOUTH CAROLINA

RESPONDENT.

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a true copy of the MOTION  
DISMISS APPEAL in the above-referenced case has been served upon  
opposing counsel, Megan Halligan, Esquire, at the Kembert Dennis Building  
1000 Assembly Street, Room 519, Columbia, S.C. 29201, and upon Daniel E. Shearouse  
Clerk of Court, Post Office Box 11330, Columbia, S.C. 29211 at The Supreme  
Court of South Carolina, this 17th day of June, 2013

x Terry Davis

Terry Davis, 197349  
TRENTON CORR. INST. 2A-19  
84 Greenhouse Road  
Trenton, S.C. 29847

SWORN TO AND SUBSCRIBE Before me  
this 17th DAY OF June 2013

Elaine M. Freeman

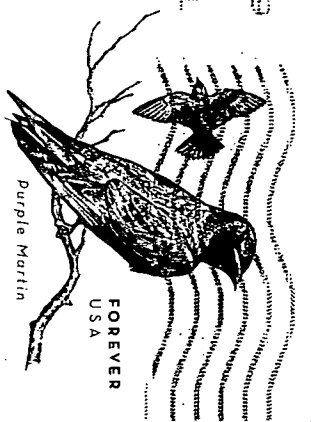
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires June 22, 2021

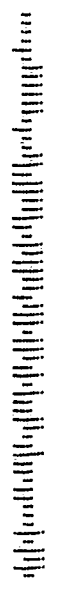
EDEY DAVIS, 197349  
TRENTON CORR. INST. 2A-19  
24 Green House Road  
TRENTON, S.C. 29847

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The Supreme Court of South Carolina  
Dwight E. Shaubert, Clerk of Court  
Post Office Box 11330  
Columbia South Carolina 29211

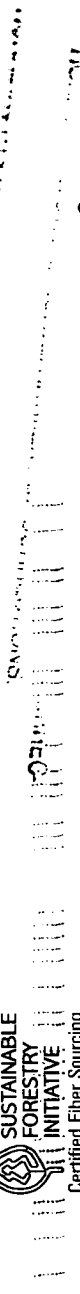


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