

4/4/23

DNVWV NO. 272608
5076

IN The South Carolina Supreme Court of Appeals

Rev. Thomas L. Davis
Plaintiff

vs.

State of South Carolina

2018 A0910200396
CA No. Resisting Arrest

~~REDACTED~~
IN STATE Appellate Courts
Post Conviction Relief

Motion to VACATE Sentence and Relief Pending Appeal
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Now comes the Defendant-Appellant, Rev. Thomas L. Davis Pro-se Counsel, AND SC Court of Appeals
respectfully moves this Honorable Court for an Order of a REHEARING on his sentence

and Admitting him to bail pending an appeal to this Court from Judgements entered
in the 3-16-23; Court hearing, in the 14th Circuit Court of Beaufort County

S.C. Court General Sessions. Found Guilty with prejudice, Judicial misconduct that
Citing State v. Wilson 345 S.C. 17, 545 SE.2d 827 (2001) Court Records will show an INdue Decision

The Defendant-Appellant made a timely Application to the General Sessions -
Court for the relief sought herein, which Application was denied on 3-16-23.

Defendant Cites: In support of the instant motion, Counsel states as follows

- (1) His Civil Rights 4th, 5th, 6th Const Amendments were Violated.
- (2) Due process Rights were Violated by Judicial Misconduct,
- (3) Citing STATE Violations of Article 1 § 12 & Civil Violations of the -
Bardy Motion for a Speedy Trial, by EXcessive delays (5) years.
- (4) Citing the STATE of South Carolina only Allws one-hunderd - Eighty days.
- (5) The Defendant was wrongfully convicted of Resisting Arrest on ~~3/16/2023~~ by
Sheriff: C. Anderson - 500433, Illegal Search & Seizer by Kicking in
the Defendants front door, with out A Warrant. Warrant Given the next evening
(See Records) attached
- (6) Court Records will prove No probable Cause, for A Warrant - Which means
the officer Lied, to get A Warrant, the Next day. This proves No Resisting Arrest occure

Continued 4/4/23

INMTCNO. 570608
SIDE

7) All the Traditional criteria for Release on bail Pending Appeal ¹/₃ Reverse All of the sentences are met by the Defendant. He is a minister, live in S.C. All his wife, ¹/₃ Father was a farmer of 70 years, Original Balla Beeche.

8) As described in detail in the Memorandum, ¹/₃ Affidavit, the Defendant is not a - Security risk, provides no danger to any person or to the community, there is no ~~any~~ Likelihood of further criminal acts, during the pendency of his Appeal.

A. A public servant over 15 year in the community helping Addicts ¹/₃ Homeless. See Ads, in the State Dept. Mark, Sanford - New Directions Break The Cycle Outreach Ministries, Non-~~Profit~~ Prohet.

B. Also described in detail in the Memorandum, ¹/₃ Affidavit, the Defendant has extremely close family ties, including 2-daughters ¹/₃ 3-sons, wife, ¹/₃ has strong roots in the community, AN excellent educational, ¹/₃ employment record and no prior criminal record in the past 30 year ~~record~~

The Defendant owns two buissness with ten employees. It is likely that the Defendant will have serve the majority of his sentence before the Instant Appeal ~~is~~ ¹/₃ is decided. Mean while 10 employees for Davi's ¹/₃ Sons Plumbing is out of work, until I am Release.

Wherefore, the Defendant Appellant respectfully urges this Honorable Court to grant the Appeal bond and the Appeal as soon as possible. Please, AS Defendant maybe losing a contract that could help ten people families,

Respectfully Submitted,
Rev. Thomas L. Davis Pro-se

Supporting Evidence



NEW DIRECTIONS BREAK THE CYCLE OUTREACH MINISTRIES

19 DuLamo Road
St. Helena Island, SC 29920

838-4685

Director, Rev. Thomas L. Davis

thomasldavis@yahoo.com

www.newdirectionsbreakthecycleministry.com

CELL: 926-3458

FAX: (843) 838-4685

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2023 APR 7

AM 11:58

In The Magistrate Court of Beaufort County, State of South Carolina,

(State of South Carolina)

VS.

THOMAS L. DAVIS

CA: 2018A0710200396

Resisting Arrest

CA: 20180190080808

County verdict

Dismissed

34 Jury

CLERK OF COURT
CENTRAL COURT SOUTH

2019 DEC 27 PM 2:22

Motion to Dismiss and Discovery Pursuant to Rule 5

Now Comes the Defendant Thomas L. Davis, Requesting his Preliminary Hearing on the above cases actions against him and Requesting a motion for Discovery, which is any and all evidence to use by the prosecution for a conviction. Also that all Evidence be sent via - U.S. mail to The Defendant before the Hearing on cases above be Heard. Defendant is requesting the above actions be Dismissed for the following Particulars. (1) Arresting Officers are in violation of Defendants 4th Amendment U.S. Const. Rights, by their failure to present a warrant for legal entry of Defendant's Home. Kicking the Door IN without a warrant and/or Advising Defendant at any time that He was under arrest. (2) Failure to read Defendant his Miranda right or say what charge was being made against Defendant (3) No probable-cause.

Supporting
Evidence

Page (2) Continued



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CYCLE OUTREACH MINISTRIES**

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Dec 27 2018

AND ALSO NO PETTI HAREENY WAS EVER COMMITTED BY DEFENDANT.

- (4) I Illegal Search and seizer of Defendant by going thru his pockets without Defendant permission OR a warrant for arrest.
- (5) Using excessive force by twisting Defendant's arms and Tasing him for NO REAL REASON
- (6) Police Burtality Almost harming two small children Granddaughter 4 and 5 years old by shooting Tase Gun in Defendant's front Door
- (7) Kicking in Defendant's front Door without an arrest-warrant OR probable cause recklessly pursuing Defendant
- (8) The erroneous Lie on the arrest warrant is presenting false evidence on a legal tender. see Defendant's Bill of Sale Date 5-4-2017

Wherefore since no probable cause can be given for these officers Police Burtality these case must be be Law dismissed. Defendant Cites, Violation of his 4th Amendment Rights of the United States. Const. provides that the Rights of The people to be secure in their persons, houses, vehicles, papers, and effects, against unreasonable search and seizures, shall not be violated, and no warrant shall be issue, but upon probable cause, supported by oath OR Affirmation and particularly in her ones Home.

2019 DEC 27 PM 2:22

CENTRAL COURT HOUSE

ARREST WARRANT

2018A0710200396

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE 18S322598

against

Thomas Louis Davis

Address: 21 Dulamo Rd
Saint Helena Island, SC 29920-3303

Phone: (843)838-4685 SSN: 250-49-1756
Sex: M Race: B Height: 5 9 Weight: 200
DL State: SC DL #: 002179798
DOB: 11/16/1954 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriffs Office
Prosecuting Officer: Christian D Anderson - S00433
Offense: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making

Offense Code: 0326
Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Thomas Louis Davis on 12/26/18
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

Personally appeared before me the affiant Christian D Anderson who being duly sworn deposes and says that defendant Thomas Louis Davis did within this county and state on or about 12/25/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 25, 2018 at approximately 1105 hours, the defendant Thomas Davis, willfully and unlawfully committed the offense of Resisting Arrest (Section Code 16-09-0320 (A)). Contact was made with Thomas by Deputies in reference to Petit Larceny. Thomas was found to be in possession of the stolen property by his own admittance. Deputies asked for the property, at which time Thomas ran from Deputies. When I made physical contact with Thomas, he pushed me down the front stairs of the residence. I told Davis several times to stop resisting. Thomas continued to resist a lawful detention and continued to fight with Deputies. Thomas was Tased during the incident and Deputies were able to get Thomas into handcuffs. This incident did occur at 21 Dulamo Road, Saint Helena Island, Beaufort County, SC 29920.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

Affiant's Address: 2001 Duke St
Beaufort, SC 29902-
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/25/2018 defendant Thomas Louis Davis did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) as set forth below.

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me on 12/26/2018

Judge's Address: 104 Ribant Rd
Beaufort, SC 29901-2207
Judge's Telephone: (843)470-5202
Issuing Court: Magistrate Municipal Circuit

Judge Code: 7189
ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Supporting Evidence

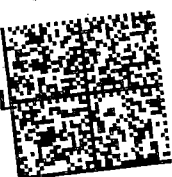
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Form Approved by S.C. Attorney General April 21, 2003 SCCA 519

Please send these
copies BACK
for my Record

Rev. Thomas L. Davis #390608
Kirkland R³E Center - C1B-42
4344 Broad River Rd.
Columbia, S.C. 29210

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