

PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM WILLIAMSBURG COUNTY
Court of GENERAL SESSIONS

MAY 08 2023

SC Court of Appeals

Judge SEAL, Circuit Court Judge

Opinion No. 2022-001806 (S.C. Ct. App. filed April 12, 2023)

STATE OF SOUTH CAROLINA

Respondent,

v.

Bobby Joe Fulton, Jr. Ali

Petitioner,

PETITION FOR A WRIT OF CERTIORARI

"Bobby Joe Fulton Sr. Ali"

Bobby Joe Fulton Sr. Ali
McCormick Correctional Inst.
380 Redemption Way
McCormick SC 29899

*"The Administrative Office"
of The United States Courts*

*Other Counsel on Record
The Administrative Office
of The United States Courts
One Columbus Circle NE
Washington DC 20002*

Index

Certificate of Counsel Page 1

Questions Presented Page 1

Statement of Case Page 2

Arguments Page 2

1. Appellate Courts Erred in dismissing Petitioner's case
2. The Appellate Courts were given reasons to grant Petitioner's Appeal based upon facts of a matter of law.
3. The court of Appeals received all documents needed as a prerequisite of the Petitioner's case on Appeal.

Conclusion Page 3

Appendix Court of Appeals Denial of Petitioner's notice of Appeal A-1

Appendix Court of Appeals acceptance of Petitioner's notice of Appeal B-1

Appendix Court of Appeals Dismissal order of Petitioner's initial Appeal C-1

Appendix Court of Appeals Dismissal order of Petitioner's Petition for Rehearing D-1

Appendix Petitioner's initial Brief & Petition for Rehearing E-1

Exhibits Court of Appeals Order of Correction of Harmless Errors A-1

Exhibits Court of Appeals Order of dismissal of Petitioner's Rehearing B-1

Exhibits Order of Mecklenburg Family Courts of Petitioner's name change 2cc Appendix D-1

Exhibits C-1

PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM WILLIAMSBURG COUNTY
Court of General Sessions

Judge SEAL Circuit Court Judge

Opinion No. 2022-001806 (S.C. Ct. App. filed April 12 2023)

STATE OF SOUTH CAROLINA,

Respondent,

v.

Bobby Joe Fulton, Jr. Ali,

Petitioner,

PETITION FOR A WRIT OF CERTIORARI

Certificate of Service

I, Bobby Joe Fulton, Jr. Ali, certify this 24th day of April 2023 that I have filed the Petitioner's Petition for a Writ of Certiorari at the same time I have deposited the Petitioner's Petition for a Writ of Certiorari within the McCormick Correctional Institution's Mailing Services addressed to be purporteeed to the Clerks office of the South Carolina Supreme Court and also to the Respondents.

To: Clerks office of
South Carolina Appellate
Courts P.O. Box 11329
Columbia SC 29211

To: Clerks office of the
South Carolina
Supreme Courts
P.O. Box 11330
Columbia, SC 29211

To: Robert Michael Duddell, Esquire
Alan McCoy Wilson, Esquire
Warren Scott Anderson, Esquire
William M. Blich, Jr., Esquire
125 W. Main St
Kingstree SC 29554

Certificate of Counsel

Prose Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on April 12th 2023, and files this Petition for Writ of Certiorari pursuant to S.C.R. App. P. rule 242.

Questions to be Presented

1. Did the Court of Appeals err in dismissing the Petitioner's Appeal, holding that the Petitioner failed to provide proof of Service of his Notice of Appeal neither provided proof of Service that a copy of the notice was filed with the County Clerk of Court.
2. Did the Petitioner file a notice of Appeal with the Court of Appeals and a copy of proof of Service and also proof of Service and a copy of the notice was filed with the clerk of Court.

I. Statement of Case

On December 29th, 2022 Prose Petitioner "Bobby Joe Tolton Jr. Ali", brought forth this action before the South Carolina Court of Appeals seeking for grant of Appeal of his state criminal case due to "deprivations of his Constitutional rights under the 2nd Amendment rights to fair trial hearing and procedure. Petitioner made claims of Willful Corruption and Willful deprivations of the Prosecutor of his state criminal case, also claims of Conflict of Interest. Among others Petitioner argued that the State Prosecutor failed to prove all elements of the Crime charged, moreover that the Criminal charges were false and not adequately filed within the "National Criminal Information Center data base. Sec title 28 U.S.C. § 534 ("N.C.I.C.") data base center; Neither within South Carolina's Law Enforcement divisions data base center. Petitioner states that the Court of Appeals dismissed his initial Appeal on February 2nd of 2023 for failing to provide a proof of Service of the Notice of Appeal, and provide proof that a copy of the notice was filed with the County clerk of Court as required by rule 203 of the South Carolina Appellate Court Rules. Petitioner filed for a Rehearing with declarational affirming that he did file a "proof of Service with the County clerk office and notice of Appeal, but stated that he was never given a Order of the Judge or of his state criminal case due to the fact that he was sentenced to life, he was taken directly to prison after being sentenced; And that the clerk office failed to send him a copy of the Judgment of his case but attached a copy of the Judgment to the notice of Appeal themselves, and forwarded the Notice of Appeal and proof of Service he filed himself, to the Court of Appeals which was granted on December 29th 2022. On April 12th of 2023 the Court of Appeals Ordered for the dismissal of the Petitioner's Rehearing stating the same as reasons for the dismissal of the Petitioner's initial Appeal.

II. Argument

1. Petitioner argues that the Court of Appeals dismissed his initial petition of Appeal for failing to file his State Criminal Trial-hearing Order and Judgement in which he filed an appeal to challenge the State Order and Judgement. Petitioner argues that he was transported directly to Prison after being sentenced to life and was never given the Order and Judgement of his sentence, neither was a mailed a copy of the Order and Judgement of his sentence. Petitioner argues that he was denied the right to a law library or access to the law library at the Kirkland F&E Center and was later moved to the McCormick Correctional Institution. Petitioner argues that he is a pro-se appellant (355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957); See *Diguardi v. Dunning*, 139 F.2d 774 (1984); Also Petitioner argues that he has the right of access to the Courts, See *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491 (1977); also see *Lewis v. Casey*, 518 U.S. 343, 116 Ct. 2174 (1996)
2. Petitioner argues that he filed a petition for rehearing, and also a declaration affirming that he wrote the Williamsburg Clerk's office of general Sessions and never received any correspondence concerning the Order of Judgement of the State rendered Judgement at his sentencing, neither was he ever mailed a copy of the Order of Judgement. Petitioner argues that the clerks of State Courts have a duty to ensure that Orders of the Courts are filed and mailed to all parties concerning cases which they are implicated in. See U.S.C.A. Const. Art. 3 § 1. Petitioner argues that the South Carolina appellate Courts erred in its discretion by dismissing his petition on mere grounds that he failed to file the Order and Judgement of the State Courts of Williamsburg County in which he was challenging an appeal as an appendix; "Clerks of Courts have a ministerial duty to docket filings irrespective of potential procedural flaws that may exist, S.C. Code Ann. § 17-27-40; moreover a Clerk of Court may not reject pleadings for lack of conformity with requirements of form or a Judge may do that, S.C. Code Ann. § 17-27-40. Petitioner argues that he filed a notice of appeal with the Court of Appeals and it was deemed. See Exhibits A-1. Petitioner argues that he also filed a "notice of appeal with the Williamsburg County Clerk's office, and that the clerks themselves attached the Court Order and Judgement of his state Criminal case, hearing, and forwarded all orders including proof of service and notice of appeal which was accompanied to the Appellate Court, which was accepted by the South Carolina Court of Appeals. See Exhibit B-1. Petitioner argues that he made efforts to write the Clerk of South Carolina Court of Appeals office to be sent the copy of Judgement Order attached to the office of appeal that he sent to the Williamsburg County's clerk's office when they forward to their Clerk's office of the appellate Courts of South Carolina, but also never received any correspondence concerning the same. Petitioner argues that he has a right under the Fourteenth amendment "order equal protection clause" and "under due process clause" to access of the Courts, to correspond with the Court and receive response from the Courts and to be furnished copies of documents and Orders from the Courts including transcripts of Court hearings without cost. See *Mayer v. City of Chicago*, 404 U.S. 189, 92 S.Ct. 476 (1971);
3. Petitioner further argues that the Court of Appeals dismissed his petition for rehearing for failing to file as an appendix the Court Order of Judgement of his criminal case which he is challenging on appeal. See Exhibits C-1. "Correspondence from the South Carolina Appellate Courts Clerk's office stated that the Petitioner needed to only correct the following errors", to ensure that all correspondence were served a copy of the Petition and documented on proof of service. See *Bullock v. United States*, 763 F.2d 1115 (1985); "Fraud upon the Courts", "Fraud upon the Courts is fraud which is directed to the Courts' judicial machinery" itself and not fraud between parties or fraudulent documents, false statements or perjury; It is thus fraud where Court or member is corrupted or influenced, or influence is attempted or where Judge has not performed his judicial function so that the impartial functions of the Court have been directly corrupted. Petitioner claims fraud upon the Courts" On part of the Courts and Clerk's office of the South Carolina Court of Appeals; He also argues that he was misled that only errors needed to be corrected for his petition of rehearing was to ensure all correspondence were indicated on proof of service and properly served. Petitioner states that he suffered from irreparable damages due to the clerks office failure to send him a copy of the attached Order and Judgement of his Criminal case which was attached to the notice of appeal that he filed with the Williamsburg County Clerk's office which they forward to their Clerk's office. See title 18 U.S.C. § 241, Willful deprivation; and also see title 18 U.S.C. § 242 Willful Corruption.

III. Conclusion

Wherefore Petitioner Prays for this honorable Courts of South Carolina to honor and grant this Petition for Writ of Certiorari as a matter of Law, due to unfair methods, and Prejudice Judicial Procedures implemented by the Court of appeals; and ensure that the Petitioner's appeal process is treated impartial thus after this Courts grant of his Petition of Writ of Certiorari.

April, 24th 2023

"
Bobby Joe Futton Sr. Ali"
Bobby Joe Futton Sr. Ali
McCormick Correctional Inst.
382 Redemption Way
McCormick, SC 29899
Prose Petitioner



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

February 21, 2023

Bobby Joe Fulton, Jr., 388269
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: The State v. Bobby J. Fulton, Jr.
Appellate Case No. 2022-001806

Dear Counsel:

Upon reviewing your Petition for Rehearing, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The accompanying proof of service does not indicate that a copy of the Petition for Rehearing was served on counsel for the Respondent.

Very truly yours,

A handwritten signature in cursive script that reads "V. Claire Allen".

CLERK

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire
William M. Blich, Jr., Esquire

Exhibit
A-1

STATE OF SOUTH CAROLINA

FILED
GWENDOLYN D. CHILES

IN THE FAMILY COURT

COUNTY OF MCCORMICK

2023 APR 03 PM 4:21

ELEVENTH JUDICIAL CIRCUIT

IN RE: CHANGE OF NAME

ORDER AND CERTIFICATE OF NAME

OF Bobby Joe Fulton, Jr.

CHANGE AND AMENDMENT OF BIRTH RECORD

TO Bobby Joe Fulton, JR. Ali

DOCKET NO: 2023-DR-35-03

EX PARTE:

Bobby Joe Fulton, Jr.

PETITIONER

I FIND THAT (1) THIS COURT HAS JURISDICTION OVER THIS MATTER, PURSUANT TO ~~S 20-7-420 (8) & (9), SC LAWS, 1976, AS AMENDED;~~ (2) THE PARTY IS ENTITLED AND NOT IN ANY WAY DISQUALIFIED TO HAVE HIS/HER NAME CHANGED (3) THAT THE APPLICABLE PROVISIONS OF S 15-49-10, SC CODE OF LAWS, 1976, AS AMENDED, HAVE BEEN COMPLIED WITH; (4) THAT THE FOLLOWING REASONS EXIST FOR THE CHANGE OF NAME.

Petitioner desires to change his name to reflect his claimed nationality as he testified he is a natural American.

I FURTHER FIND THAT THE FOLLOWING INFORMATION APPEARS ON THE BIRTH CERTIFICATE OF THE PARTY WHOSE NAME IS TO BE CHANGED:

Bobby Joe Fulton, Jr.
FULL NAME AT BIRTH

November 6, 1988
DATE OF BIRTH

Charleston, SC
BIRTH PLACE: COUNTY & STATE

Bobby Joe Fulton
FULL NAME OF FATHER

Paullette Staley Reynolds
MAIDEN NAME OF MOTHER

A TRUE COPY

Gwen H. Chiles
Clerk of Court, McCormick County

By: [Signature]

Exhibit
C-1

[Handwritten mark]

IT IS, THEREFORE, ORDERED THAT THE NAME OF THE PARTY BE CHANGED AND MAY BE SO REFLECTED IN THE BIRTH CERTIFICATE OF PARTY.

A copy of this order shall be provided to SLED, as Petitioner has an arrest record.

FROM Bobby Joe Fulton, Jr.

TO Bobby Joe Fulton, Jr. Aki

[Signature]
JUDGE (SIGNATURE)

DATE April 3, 2023

April 3, 2023
DATE

PETITIONER ADDRESS:

McCormick Correctional Institute
386 Redemptum Way
McCormick SC 29099

NOTE: FILE ORIGINAL WITH THE CLERK OF COURT, FORWARD CERTIFIED COPY TO STATE REGISTRAR OF VITAL STATISTICS, DHEC, 2600 BULL STREET, COLUMBIA, SC 29201.

Exhibit
C-1



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

December 30, 2022

Bobby Joe Fulton, Jr., 388269
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. Bobby J. Fulton, Jr.
Appellate Case No. 2022-001806

Dear Mr. Fulton:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- Pursuant to Rule 203(d)(1)(B), SCACR, a copy of the notice of appeal must be filed with the county clerk of court.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

Appendix
A-1

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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1220 SENATE STREET
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www.sccourts.org

December 29, 2022

Bobby Joe Fulton, Jr., 388269
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. Bobby J. Fulton, Jr.
Appellate Case No. 2022-001806

Dear Mr. Fulton:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review

Appendix
E-1

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

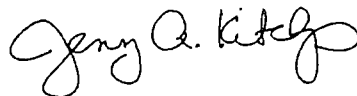
The State, Respondent,

v.

Bobby Joe Fulton, Jr., Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



CLERK

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire

The South Carolina Court of Appeals

The State, Respondent,

v.

Bobby Joe Fulton, Jr., Appellant.

Appellate Case No. 2022-001806

Williamsburg County
Trial Court Case No. 2021GS4500085

ORDER

Appellant has failed to provide a copy of the order/judgement(s) challenged on appeal, provide a proof of service of the notice of appeal, and provide proof that a copy of the notice of appeal was filed with the county clerk of court, as required by Rule 203 of the South Carolina Appellate Court Rules and this Court's letter of December 30, 2022. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY *Clare Allen*
CLERK

Columbia, South Carolina

cc:

Bobby Joe Fulton, Jr., 388269
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire

FILED
Feb 02 2023

Appendix
C-1

The South Carolina Court of Appeals

The State, Respondent,

v.

Bobby Joe Fulton, Jr., Appellant.

Appellate Case No. 2022-001806

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

On February 2, 2023, this Court dismissed Appellant's appeal because Appellant failed to provide a copy of the order/judgment(s) challenged on appeal, provide proof of service of the notice of appeal, and provide proof that a copy of the notice of appeal was filed with the county clerk of court. Subsequently, Appellant filed a petition for rehearing. The petition is denied because Appellant has not provided a copy of the order/judgment(s) challenged on appeal, provided proof of service of the notice of appeal, or provided proof that a copy of the notice of appeal was filed with the county clerk of court. *See* Rule 203, SCACR; *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as provided by Rule 221(b), SCACR.

H. Bruce Williams

J.

Appendix
D-1

John D. Best

J.

Robert H. Verdin

J.

Columbia, South Carolina

cc:

Bobby Joe Fulton, Jr., 388269
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire
William M. Blich, Jr., Esquire

FILED
Apr 12 2023

APPENDIX
D-1

The South Carolina Court of Appeals

The State Respondent

C/A No. 2022-001802

Petition For Rehearing

Bobby Joe Fulton Jr Appellant

Here comes the Appellant Bobby Joe Fulton Jr. pursuant to S.C. R. App. P. rule 221 asking for the rehearing of the instant case for essential reasons. Appellant states that due to the fact that he is a prose inmate and convicted on December 7th of 2022 of Criminal Charges, and sentenced to "Life", he was never taken to the Jail to receive his legal work, neither was he ever given the "Order of Judgement" of his case; Moreover the Appellant filed for his appeal, and his mail was obstructed by S.C.D.C. Furthermore the Appellant was going through Classification within Midlands R&E Center, and was moved several times, which cost him time, which was needed for properly filing motions for Transcript and "Initial Brief" for the instant case. Due to the fact that Appellants request for Transcript was denied, which also was the cause for the dismissal of his appeal, the Appellants "Initial Brief" was never heard; Appellant prays for the Court of Appeals to grant his request for rehearing due to these essential facts alone, and S.C.D.C. failure to allow the Appellant access to the law library.

Bobby Joe Fulton Jr.
 Bobby Joe Fulton Sr
 McCormick Correctional
 382 Redemption Way
 McCormick SC 29899

The South Carolina Court of Appeals

The State Respondent

C/A No. 2022-001802

A Motion of
Declaration

Bobby Joe Fulton Jr Appellant

Pursuant to S.C. R. App. P. rule 240 Appellant Files this Declaration before this honorable Court, affirming that I "Bobby Joe Fulton Jr." was convicted within the general sessions courts of Williamsburg County Third Judicial Circuit Case # 2021-BS-45-0085. Appellant filed for appeal on December 8 2023. Appellant affirms that he was sentenced to life, and was never given an order of Judgment by the clerks office, but that he is also free. Appellant affirms that the clerks office of Williamsburg County did receive his Certificate of Service, and "notice of appeal," and they attached the Motion of Notice of appeal to the Judgment Order, and forward it to the Court of Appeals clerks office. Appellant affirms that Appendix A-1, A-2, B-1 and B-2 can be compared to confirm the facts stated. Appellant declares that he wrote the Williamsburg County clerks office requesting a copy of his order of Judgment, but never received any correspondence from them. Appellant declares that the S.C.D.C. Kirkland R & E Center failed to allow him to use the law library, also took the legal materials and books which he did have after leaving court on the day of his conviction and sentence, in which he was transported directly to the Kirkland R & E Center with, and also his mail was obstructed for 2 weeks, "Obstruction of mail under title 18 U.S.C. § 1702 is a very serious federal offense."

February 14th 2023
Bobby Joe Fulton Jr
Bobby Joe Fulton Jr
McCormic Correctional
380 Redemption Way
McCormic, SC 29599

The South Carolina Court of Appeals

The State Respondent

v.

Bobby Joe Fulton Jr Appellant

CJA No. 2022-001806

Certificate of Service

Re. State v. Bobby Joe Fulton Jr
Case No. 2022-001806

I Bobby Joe Fulton Jr certify this 16th day of January 2023 that I have deposited the Appellant's Motion for Request of Trial hearing Transcript within the Kingwood R & E Center's mailing system services, to be forwarded to the Clerk's office of Williamsburg County and Court Reporter of Williamsburg County, also to the office of Court Administration, and Clerk of the Appellate Courts of South Carolina, and also to the Administrative office of the United States Courts through U.S. Postal Services. It is so ordered by the Appellant that all correspondence from either agencies stated above be addressed to the Appellant who is a pro se inmate being held within the custody of Kingwood R & E Center see Appellant's address stated below.

To: Clerk's office of
Williamsburg County
General Sessions Courts
125 W. Main St.
Kingstree SC 29556

To: The Office of Court &
Administration of
South Carolina &
South Carolina Appellate
Courts Clerk's office
P.O. Box 11829
Columbia SC 29211

January 16th 2023
Bobby Joe Fulton Jr
Bobby Joe Fulton Jr
434 1/2 Broad River rd
Columbia SC 29210

The South Carolina Court of Appeals

The State Respondent

v.

Bobby Joe Fulton Jr Appellant

C/A No. 2022-001802

Request For Trial
Transcript

Here comes the Appellant Bobby Joe Fulton Jr pursuant to S.C.R. App. P. rule 207 asking for the Transcript of the Appellant's Trial Hearing for the case State v. Bobby Joe Fulton Jr Docket No. 2021-GS-45-0085, which was recorded and heard from December 5th 2022 to December 7th 2022. Appellant states that he is a indigent inmate and asks for a free transcript of his trial hearing so furnished to him due to the fact that he is incarcerated. See *Mayor v. Chicago* (1985). Appellant states that the following Motion for Transcript is being forwarded to the office of Court Administration and Clerks of the Appellate courts of South Carolina to assure compliance with the Clerks and Court Reporters of Williamsburg County General Sessions Courts, to send the Transcripts of the Appellant's Trial hearing within thirty 30 days. See S.C.R. App. P. rule 207.

January 12th 2023
Bobby Joe Fulton Jr.
Bobby Joe Fulton Jr
4344 Broad River rd
Columbia SC 29210

The South Carolina Court of Appeals

The State Respondent

v.

Bobby Joe Fulton Jr Appellant

C/A No. 2022-001806

"Certificate of Service"

Re: State v. Bobby Joe Fulton Jr

C/A No. 2022-001206

I Bobby Joe Fulton Jr certify this 16th day of January, 2023 that I have deposited the Appellant's Initial Brief within the Kirkland R&E Centers Mailing Services to be forwarded through U.S. Postal Services, to the address of the Respondent's and clerk's office of the South Carolina Appellate Courts, as well as to the address of the Administrative office of the United States Courts.

To: Asst Solicitor
Warren Scott Anderson
125 W. Main St.
Kingstree Sc. 29556

To: clerk's office of
South Carolina Appellate
Courts P.O. Box 11829
Columbia, SC 29211

To: Administrative office of
The United States Courts
One Columbus Circle, NE
Washington DC 20002

from: Bobby Joe Fulton Jr
Prose Appellant
Kirkland R&E Center
4344 Broad River rd
Columbia SC 29210

Table of Contents

Rules, Cases & Statutes

S.C.R. crim. p. rule 2
Title 18 U.S.C. § 1702
Title 28 U.S.C. § 534
Bullock v. U.S. (10 Mar. 1985)
Butzer v. U.S. (1985)
Ex Parte Bain (1887)
Ekins v. U.S. (1960)
Faretta v. California (1975)
Giglio v. U.S. (1972)
Goodrich v. Hall (2006)
Illinois v. Allen (1970)
In re Winship (1970)
Snyder v. Massachusetts (1934)
U.S. v. Gagnon (1985)
U.S. v. Miller (1985)

Page Listings

page 6

page 5

page 4

page 2

page 2

page 2

page 4

page 4

page 2

page 2

page 3

page 3

page 3

page 2



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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December 30, 2022

Bobby Joe Fulton, Jr., 388269
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. Bobby J. Fulton, Jr.
Appellate Case No. 2022-001806

Dear Mr. Fulton:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
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Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

Appendix
A-1

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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December 29, 2022

Bobby Joe Fulton, Jr., 388269
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. Bobby J. Fulton, Jr.
Appellate Case No. 2022-001806

Dear Mr. Fulton:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review

Appendix
B-1

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

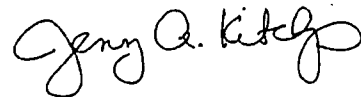
The State, Respondent,

v.

Bobby Joe Fulton, Jr., Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



CLERK

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Warren Scott Anderson, Esquire

The South Carolina Court of Appeals

The State Respondent

CIA NO. 2022-001802

v.

Appellant's
Initial Brief

Bobby Joe Fulton Jr Appellant

Here comes the Appellant Bobby Joe Fulton Jr Pursuant to S.C.R. App. P. rule 208 filing this Initial Brief before this honorable court.

I. Statement of Issues

The Appellant State Prisoner Preceding Pro se filed for a appeal before this honorable Court seeking to have his Criminal Convictions annulled, and sentence repealed due to Constitutional deprivations of his rights by Respondent State Prosecutor. Appellant states that he was deprived of his 6th Amendment rights of "Fair trial" hearing, and his Fourteenth Amendment rights of equal protection and due process. Therefore it is so prayed for by the Appellant of this Courts Affiliate review over his State Criminal Case, which was adjudicated within the Williamsburg County General Sessions Courts.

II. Factual Background

(a) Facts of Case,

1.) On December 29th 2020 Appellant Bobby Joe Fatten Sr. was charged and arrested for two counts of "Unlawful neglect" of two minor siblings "Tyquan McFadden" and Tiana McFadden. See State v. Bobby Joe Fatten Jr 2021-GS-45-85 (2022); Warrant #s 2020A4510100574 & 2020A4510100575. On February 5th 2021 Appellant was later additionally charged for "Homicide by child abuse, for the death of child victim Treven McFadden. See State v. Bobby Joe Fatten Jr 2021-GS-45-85 (2022); Warrant # 2021A4510100045. On December 7th 2022 Appellant was found guilty and sentence to life in prison after subsequent trial hearing within General Sessions Courts of Williamsburg County Third Judicial Circuit. This Appellant has filed for an appeal of his sentence before the South Carolina Court of Appeals seeking for relief of his conviction and sentence of life with the Department of Corrections.

III. Standard

(a) Right To Appeal,

1.) Rule 201 asserts Appeal may be taken as provided by law, from any final judgement, Appealable Order or decision. The procedure for petitioning for writ of certiorari to review final judgements in post conviction relief cases is provided by rule 243, further review of decisions of the State Board of Canvassers in election cases shall be by petition for writ of certiorari under S.C. Code Ann. §§ 7-17-250 and 7-17-270.

(b) Who may Appeal,

1.) Only a party aggrieved by an order, judgement, sentence or decision may Appeal!

IV. Argument

(a) Sixth amendment Deprivation,

1.) Appellant Argues that his Constitutional rights under the sixth Amendment of the United States Constitution were completely infringed by the States Prosecutor Warren Scott Anderson, and that he was not given nor afforded the right to a fair trial proceeding which is protected by the U.S. Const. Amend VI. Appellant argues that the States Prosecutor deprived him of his "Free-standing" due-process rights. See Const. B. Crim. P. § 9.2 & § 9.4 "Pretrial Procedures. Appellant asserts that he was brought before a bond Judge on December 30th of 2020 and was availed of his right to file "Proper Forms to the Clerks office of Williamsburg County General.

Sessions Courts for a Preliminary Hearing for cases/warrant #s 2020A45101000574 and 2020A45101000575, which were for two counts of unlawful neglect of child. Also later on February 5th of 2021 Appellant states that he was afforded again the same privileges to file profer forms for a "preliminary hearing for case/warrant # 2021A4510100045, which was for homicide by child abuse. See exhibits A-1 and A-2 "Appellant's Filings & Copies of "Profer Forms" for Preliminary Hearings". Appellant further argues that he was not indicted by a Grand Jury thus probable cause had to be proven by a "preliminary hearing". Moreover had the appellant's case had been indicted by a Grand Jury he would have not been afforded the right to file for "preliminary hearings".

2) Appellant argues that after filings for his "preliminary hearings, with the clerk's office of Williamsburg County General Sessions Courts, he never received any correspondence from the courts, nor a scheduled date for the hearing of his preliminary hearings. Appellant asserts that he complied with all rules of the courts concerning the 10 day limitation rule, which is the amount of days an accused has in order to be granted a "preliminary hearing".

(b) Fourteenth Amendment Deprivations.

1) Appellant argues that he remained incarcerated for 2 years and was never brought before a "preliminary hearing" within Williamsburg County Magistrate Courts, but was later brought before a trial hearing without notice by the courts clerk's office. Appellant argues that he was not allowed to appear before the Magistrates Courts for a "preliminary hearing" so that he could confront his accuser and cross examine the states expert witnesses. See *U.S. v. Gagnon* (1985); The constitutional right to presence is rooted to a large extent in the "Confrontation Clause" of the Sixth Amendment e.g. *Illinois v. Allen*, 397 U.S. 337, 90 S.Ct. 1057, 25 L.Ed. 2d 353 (1970), but it has also been recognized that this right is protected by "due process clause" in some situations where the defendant is not actually confronting witnesses or evidence against him. *Snyder v. Massachusetts*, 291 U.S. 97, 54 S.Ct. 330, 78 L.Ed. 274 (1934), the courts explained that a defendant has a "Due Process" right to be present at a proceeding "whenever" his presence has a relation, reasonably, substantially, to the fairness of his opportunity to defend against the charge. [T]he presence of a defendant is a condition of "due process"

to the extent that a fair and just hearing would be thwarted by his absence and to that extent only." *Id.* at 105-106, 108, 54 S. Ct. at 332, 333; See also *Faretta v. California*, 422 U.S. 806, 819, n. 15, 95 S. Ct. 2525, 2523, n. 15, 45 L. Ed. 2d. 502 (1975). The Court also cautioned in *Snyder* that the exclusion of a defendant from a trial proceeding should be considered in light of the whole record, 291 U.S. at 115, 54 S. Ct. at 335. Appellant premeditates that his Sixth and Fourteenth Amendment rights were completely ignored, and violated, therefore he was not allowed to exercise his Sixth nor Fourteenth Amendment rights, which ensures his fair trial hearing rights, which are to be protected by his Fourteenth Amendment rights under "Due process clause & Equal Protection clause", as well "Confrontation clause". And due to these facts alone proves that the Appellant had no right to a fair trial proceeding.

(C) Judicial Presudice.

1. Appellant asserts that he was not attended the to have a trial hearing heard before an impartial Judge, See *Elkins v. U.S.* (1960). Appellant argues that he allowed the presiding Judge over his case hearing to know that he was not attend to attend a preliminary hearing "inter alia" that charges for Harassment by child abuse were not filed within the ("N.C.I.C.") data base. See title 28 U.S.C. § 534. Charges not correctly filed within the "National Criminal Information Center" data base constitute as invalid, and will bar further prosecution. Appellant argues that the presiding Judge did concede that he had no knowledge of the charges not being properly filed within the ("N.C.I.C."), but allowed the state to proceed with prosecution of the case.

(D) Conflict of Interest.

1.) Appellant argues that the State prosecutor Warren S. Anderson had a pecuniary interest in seeing to it that the defendant was prosecuted, convicted and subsequently after imprisoned, "the matter" of Farness was completely out of the question, due to the facts that the Appellant had an ongoing civil action pending against the Williamsburg County Solicitors Office, Head Solicitor Ernst A. Pinney III and Assistant Solicitor Warren S. Anderson in "The Superior" and "The Supreme Courts of the District of Columbia for Fraud upon the Courts. Civil actions were brought to the "Superior Courts of the District of Columbia's Clerks Office by the "Administrative Office of the United States Courts, and hence the hearing for the case were to be heard on February 5th of 2021 which is the same day the Appellant was charged for Harassment by child abuse. Appellant states that under D.C. Code passed March 3, 1901 (C. 854, 31 Stat. 1189) § 21 and § 84

gives the "Superior Courts of The District of Columbia, plenary power to exercise the same powers and Jurisdiction as all Circuit Courts and District Courts within the United States. See Bobby Joe Felton Jr. V. Williamsburg County Third Judicial Circuit Solicitors Office et al; 2020CA0032548. Appellant states that his mailed correspondence to the Courts clerks office of the Superior Courts were obstructed by County officials of Williamsburg County Detention Center, therefore he was unable to continue handling his civil actions after being incarcerated. Due to these Federal offenses under title 18 U.S.C. § 1702, Obstruction of U.S. Mail the Respondent Solicitor Warren Scott Anderson had a pecuniary interest in ensuring that by all means necessary that the Appellant's Criminal proceeding lead to a conviction when in fact he should have recuse himself from handling the Appellant's Criminal case. Moreover that the Appellant's case should have been Forwarded to another venue but that he was suing the Williamsburg Third Judicial Circuit Solicitors Office et al; Head Solicitor Ernst A. Gilmer II and Respondent Assistant Solicitor Warren Scott Anderson as party defendants. Appellant argues that he went further and Filed Complaints on Respondent Warren Scott Anderson's behalf to the "Administrative office of the United States Courts to be Forwarded to the South Carolina Supreme Court Disciplinary Council's office, but that Respondent Solicitor Warren Scott Anderson Failed to properly Forward his case to the South Carolina Attorney General's office of Attorney General "Alan Wilson", Inter alia for lack of prosecution after an unexcusable delay of 2 years. See Case State V. Bobby Joe Felton Jr 2018AHS10100291 (August 24th 2019); Case which was Forwarded to the Attorney General's office and handled within Williamsburg Court General Sessions Courts.

(E) Prosecutorial Misconduct.

1) Appellant argues that Solicitor Warren S. Anderson Failed to Forward his Criminal Case to the South Carolina Attorney General's office as he stated in Courts of Williamsburg County Magistrate Courts before Presiding Judge William Driggers on March 10th 2020, "Conceding to the Courts on record that the "State" "Lacked Jurisdiction" over the Appellant's Criminal Case and that it was to be properly Forwarded to the Attorney General's office to be handled by the Attorney General's office. Appellant argues that he brought these facts up before the Courts on Motions for dismissal of his case at his trial hearing and it was stated that this was indeed facts, but the Courts proceeded further finding Jurisdiction over Appellant's Criminal Case.

2) Appellant Argues that Respondent Solicitor Warren Scott Anderson Failed to prove all elements of Homicide by Child Abuse. See In re Winship (1970); Neither did he ensure that the Charges were accurately Filed within the ("N.C.I.C.") data base. Inter alia he Failed to correct the Perjured statements of his Witnesses who stated that he pushed the victim down the stairs, but after video footage was played before the Courts that both Male & Female Child Victims Conceded in interview with D.S.S. Case workers that their deceased Sibling actually died after falling down the stairs. It was also brought to the Courts attention by the Female Child Victim that she was never touched or abused by the Appellant.

As a prosecutor Respondent Solicitor Warren Scott Anderson from the responsibilities imposed by the more specific guarantees is subject in criminal cases to due process requirements relating to his role as the representative of the state "whose interest in a criminal case is not that he shall win a case but that Justice shall be done, Burger v. U.S., 295 U.S. 78 (1985); see also Giggler v. U.S., 403 U.S. 150 (1972). Deliberate deception of a Court and Jurors by presentation of known false evidence or perjured testimony of witnesses is compatible with rudimentary demands of Justice.

(f) Fraud upon the Courts.

1) Fraud upon the Courts is fraud which is directed to the Courts "Judicial Machinery" itself and not fraud between parties or fraudulent documents, false statements or perjury; it is thus fraud where "Court" or member is corrupted or influence or influence is attempted or where a Judge has not performed his Judicial Functions so that the impartial Functions of the Court have been directly corrupted. Bullock v. United States 763 F.2d. 1115 (1985).

2) Appellant argues that Respondent Warren Scott Anderson as a State prosecutor in his Criminal Case failed to show sufficient grounds as a matter of law the Courts "Newly" Found Jurisdiction over his Criminal Case and the reasons why his Criminal Case was not Forward to the Attorney General's Office.

3) Appellant argues that Respondent Warren Scott Anderson failed to prove as a matter of law with supported evidence or facts for the Courts Findings of "probable cause" to bind his Criminal Case over for trial, failing to honor the Appellant's request for a preliminary hearing. See S.C.R. Crim.P. rule 2(a) Notice of right; also see S.C.R. Crim.P. rule 2(e) Delays, affirming that any delay in the holding of a preliminary hearing shall not be grounds for a delay in the prosecution of the General Sessions Courts.

4) Appellant argues that he was not indicted and that Respondent Warren Scott Anderson had hearings in Court, which he was not allowed to be present, and appear before the Courts, and that the hearing was for the "Amending of the Appellants Indictment from original date of May 13th 2021, to December 24th 2020. Appellant argues that a State prosecutor cannot amend an indictment, which has to be rendered by a grand Jury initially. Though there is no Federal Constitutional right to grand Jury by means of indictments returned by a grand Jury, that fact does not relieve those states that do employ grand Juries from complying with commands of the Fourteenth Amendment in operations of those grand Juries. See Goodrich v. Hall (2002); also see S.C. Code of laws 17-19-10. Indictments are found by grand Juries not defendants or by "Courts". See Ex parte Bain, 221 U.S. 1, 9, 73, Ct 781, 301 L. Ed 849 (1987) Being the finding upon Oath the Court cannot "amend" [The Indictment] without consent of the grand Jury by whom bill is found. U.S. v. Miller 421 U.S. 130, 138-41 105 3. Ct 1811. 85 99 (1985).

5) Appellant further argues that the presiding Judge failed to perform his Judicial Function as the arbitrator over his trial hearing. Appellant states that he made known to the presiding Judge of his Criminal Charges not being recorded within the ("N.C.I.C.") data base, neither within the ("S.L.E.D.") data base of "Honorable by child abuse". See Appellant's ("N.C.I.C.") back ground report also ("S.L.E.D.") back ground check report. Appellant asserts that the presiding Judge stated that he had no knowledge of the facts stated to him, but still acted with "deliberate indifference", and "reckless disregard", making eye contact with the Respondent Warren Scott Anderson allowing him to proceed further with prosecuting the Appellant's Trial hearing. Appellant argues that he brought up facts that he wasn't allowed to appear before the Magistrate Courts for a Preliminary hearing. See Appellant's Exhibits A-1 and A-2; Appellant states that Respondent Solicitor Warren Scott Anderson argued that he had been indicted. See Exhibits B-1 and B-2. Appellant argues that he was not indicted by a petit grand Jury if he was given the proper documents to file for a preliminary hearing by a Magistrate Judge at his bond hearing. Moreover that it was stated by Respondent Solicitor Warren Scott Anderson that he himself scheduled a hearing a "week" before the Appellant's trial hearing to assess the Appellant's Indictment date. Those were corrupt schemes plotted and committed by Respondent Anderson because of the Appellant's Grievs to the Administrative office at the United States Courts and South Carolina Supreme Court disciplinary Council. See Appellant's Exhibits C-1 and C-2. Appellant argues that presiding Judge and Respondent Anderson in his corrupt schemes and failed to perform his Judicial Function.

V. Conclusion

Wherefore with facts presented and undisputable evidence of the Respondents, Judicial prejudice, and erroneous Judicial procedures, and deliberate deprivations of the Appellant's constitutional rights the Appellant prays for his appeal to be granted and his Sentence repealed due to facts proven as a matter of law.

Bobby Lee Fulton Sr
Bobby Lee Fulton Jr
4344 Broad River rd
Columbia SC 29210

NOTICE OF RIGHT TO PRELIMINARY HEARING

STATE OF SOUTH CAROLINA)

IN THE SUMMARY COURT

COUNTY OF WILLIAMSBURG)

WARRANT/TICKET NUMBERS

OFFENSES

2021A4510100048

Murder / Homicide by child abuse (20Y to Life)

Bobby Joe Fulton Jr, you are charged with the above named offense(s) and you may be entitled to a Preliminary Hearing. You must request a Preliminary Hearing within ten (10) days of this Notice or lose your right to such a Hearing. You may request a Preliminary Hearing by completing the lower left section of this notice and returning it to the Court listed below, either in person or by mailing it to the following address:

Kingstree Magistrate
209 Short Street
Kingstree, SC 29556
Phone: (843) 355-9565

I request a Preliminary Hearing:

THIS NOTICE GIVEN BY: *Bruce M. King*
Bond Court

Bobby Joe Fulton Jr

Signature of Defendant
Bobby Joe Fulton Jr

200 South Jackson St.

Address

February 6, 2021

Kingstree SC 29556

My Attorney is:

Pro se

FOR COURT USE ONLY: Date Request Received: _____ Clerk: _____

Exhibit
A-1

NOTICE OF RIGHT TO PRELIMINARY HEARING

STATE OF SOUTH CAROLINA)

IN THE SUMMARY COURT

COUNTY OF WILLIAMSBURG)

WARRANT/TICKET NUMBERS

OFFENSES

2020A4510100574

Children / Legal custodian, unlawful neglect of child or helpless person

2020A4510100575

Children / Legal custodian, unlawful neglect of child or helpless person

Bobby Joe Fulton Jr, you are charged with the above named offense(s) and you may be entitled to a Preliminary Hearing. You must request a Preliminary Hearing within ten (10) days of this Notice or lose your right to such a Hearing. You may request a Preliminary Hearing by completing the lower left section of this notice and returning it to the Court listed below, either in person or by mailing it to the following address:

Kingstree Magistrate
209 Short Street
Kingstree, SC 29556
Phone: (843) 355-9565

I request a Preliminary Hearing:

THIS NOTICE GIVEN BY:
Bond Court

Bobby Joe Fulton Jr.
Signature of Defendant
Bobby Joe Fulton Jr

Mark J. Easley

200 South Jackson St
Address

January 1, 2021

Kingstree SC 29556

My Attorney is:

Pro Se.

FOR COURT USE ONLY:

Date Request Received: _____

Clerk: _____

Exhibit
A-2

COUNT THREE-UNLAWFUL CONDUCT TOWARD A CHILD

That between the dates of September 1, 2020 and December 29 2020, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child whose initials are T.M , age 7, the Defendant, Tasha McFaddin, did place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; to wit; in that she did fail to act or report the abuse of the juvenile after being told that it was going on, all in violation of Section 20-7-50, South Carolina Code of Laws, 1976, as amended.

COUNT FOUR- HOMICIDE BY CHILD ABUSE

That on or about December 29, 2021, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, whose initials are T.J.M, age 9, the Defendant, cause the death of her son via neglect in that she took no action to stop the abuse of T.J.M. after it was reported to her, such acts exhibit an extreme indifference to human life, all in violation of Section 16-3-85(A)(1)(B)(1), South Carolina Code of Laws, 1976, as amended.

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

Solicitor

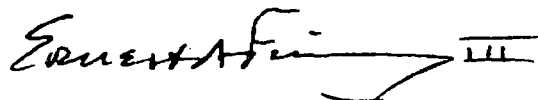


Exhibit
B-1

WITNESSES

Pam Wrenn
Williamsburg County Sheriff

Matthew G Jenkins
State Law Enforcement Division

DOCKET NO. 2021-GS-45-0085

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

May TERM 2021

THE STATE

vs.

BOBBY JOE FULTON JR

TASHA TEMEEKA MCFADDEN

ARREST WARRANT NUMBER

2020A4510100574 2020A4510100575
2020A4510100576
2020A4510100573 2021A4510100048
2021A4510100053

Indictment for

Unlawful Conduct toward a child, two counts
Homicide by child abuse, two counts

ACTION OF GRAND JURY

TRUE BILL

Date: 5-13-21

Fredrick M. Jones
Foreperson of Grand Jury

Date: 5-13-21

VERDICT

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury
Date:

Exhibit
B-1

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
Unlawful Conduct toward a child, two counts
Homicide by child abuse, two counts

At a Court of General Sessions, convened on December 1, 2022 the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE- HOMICIDE BY CHILD ABUSE

That on or about December 29, 2020, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, whose initials are T.J.M, age 9, the Defendant, Bobby Joe Fulton Jr, did during the commission of child abuse cause the death of T.J.M by means of blunt force trauma, such acts displaying an extreme indifference to human life, all in violation of Section 16-3-85(A)(1)(B)(1), South Carolina Code of Laws, 1976, as amended.

COUNT TWO-UNLAWFUL CONDUCT TOWARD A CHILD

That between the dates of September 1, 2020 and December 29 2020, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child whose initials are T.M , age 7, the Defendant, Bobby Joe Fulton Jr, did place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; to wit; he did: strike the child with an electrical cord, bite the child in the head, and did commit other acts of physical abuse toward T.M. all in violation of Section 20-7-50, South Carolina Code of Laws, 1976, as amended.

Exhibit
B-2

WITNESSES

Pam Wrenn
Williamsburg County Sheriff

Matthew G Jenkins
State Law Enforcement Division

ARREST WARRANT NUMBER

2020A4510100574 2020A4510100575
2020A4510100576
2020A4510100573 2021A4510100048
2021A4510100053

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021-GS-45-0085

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

December TERM 2022

THE STATE

vs.

BOBBY JOE FULTON JR

TASHA TEMEEKA MCFADDEN

Amended-Indictment for

Unlawful Conduct toward a child, two counts
Homicide by child abuse, two counts



ERNEST A. FINNEY, III, SOLICITOR

Exhibit
B-2

COUNT THREE-UNLAWFUL CONDUCT TOWARD A CHILD

That between the dates of September 1, 2020 and December 29 2020, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child whose initials are T.M , age 7, the Defendant, Tasha McFaddin, did place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; to wit; in that she did fail to act or report the abuse of the juvenile after being told that it was going on, all in violation of Section 20-7-50, South Carolina Code of Laws, 1976, as amended.

COUNT FOUR- HOMICIDE BY CHILD ABUSE

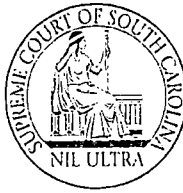
That on or about December 29, 2020, in Williamsburg, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, whose initials are T.J.M, age 9, the Defendant, cause the death of her son via neglect in that she took no action to stop the abuse of T.J.M. after it was reported to her, such acts exhibit an extreme indifference to human life, all in violation of Section 16-3-85(A)(1)(B)(1), South Carolina Code of Laws, 1976, as amended.

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

Solicitor

Ernest A. Fein III

Exhibit
B-2



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Ericka M. Williams
Senior Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

April 4, 2022

PERSONAL AND CONFIDENTIAL

Bobby Joe Fulton, Jr.
Williamsburg County Sheriffs Office
200 South Jackson Street
Kingstree, SC 29556

RE: Lawyer: Warren Scott Anderson, Esquire
File Number: 22-DE-L-0371

Dear Mr. Fulton:

This office has received your complaint involving Warren Scott Anderson, Esquire. The authority of this office and the jurisdiction of the Commission on Lawyer Conduct concerning complaints against lawyers are limited to issues of whether a lawyer has committed misconduct or is incapacitated within the guidelines of the Rules for Lawyer Disciplinary Enforcement (RLDE), Rule 413, SCACR, adopted by the Supreme Court of South Carolina.

These rules do not apply to matters related to whether or not the outcome of a case handled by a lawyer was fair. We do not have authority to intervene in any matter presently pending before a court or to change the outcome of the decision of a court. These are legal matters that must be addressed by you to the court or raised by you on appeal using appropriate appellate procedures.

We find that the allegations you have raised involve legal matters that would not constitute misconduct or incapacity under these rules and, as such, are not within the jurisdiction of this office. For this reason, your complaint is dismissed pursuant to the provisions of Rule 413-19(a), SCACR.

Sincerely,

s/ Ericka M. Williams

Ericka M. Williams

EMW/clg

EXHIBIT
C - 1

The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Bobby Joe Felton Jr, Sufrn
Complainant

Complaint of Violation
of R.L.D.E rule 7(a)(2) of
Rule 413 S.C.A.C.R. Violation
of Path of office taken to
Practice law in the State.

VS

Head Solicitor Ernest A. Francis III
and ASST Solicitor Warren S. Anderson

Respondents

1. Statement of case

Complainant Bobby Joe Felton Jr asserts that on December 31st 2020 he was arrested by Williamsburg County officers of the Williamsburg County Sheriff's Department and taken to the Williamsburg County Detention Center Subsequently after. On January 1st 2021 Complainant asserts that he was taken before a bond Court hearing and was denied bond for alleged offenses by presiding bond Court Judge and was given notice of his initial appearance Court hearing also given Prearrest Forms to file for a Preliminary which was to be scheduled within 10 business days after filing by the County's Clerks office. Complainant asserts that he filed Prearrest Forms for a Preliminary hearing which he mailed to the Clerks office of Williamsburg County, but never received any Correspondence from the Clerks office concerning the scheduling and date of his Preliminary hearing. Complainant states that he wrote both Assistant Solicitor Warren S. Anderson and Head Solicitor Ernest A. Francis III concerning the scheduling and date of his Preliminary hearing but never received any Correspondence from either ("Respondent"). Complainant states that a year and five months have elapsed and he has yet to be brought before the Williamsburg County Courts for any Trial related proceedings. See "Free-standing due Process" § 5.4. Pretrial Procedure. See also U.S. v. Gagnon (); Complainant asserts that under the 6th amendment he has a right to appear to all "critical" Trial-related proceedings and confront the accuser of his Criminal Case. Complainant further states that the Solicitors have yet to furnish him a copy of his Motion of Discovery or any other exculpatory evidence within his Case. "Prima Facie" See Brady v. Md., 373 U.S. 83 (1963).

Exhibit
C-2

II. Argument

- (1.) Complainant argues that under R.L.D.E. rule 7(c)(2) of Rule 413 S.C.A.C.R. a lawyer cannot violate the Oath of office taking upon admission to practice law in the state of South Carolina.
- (2.) Complainant further argues that both Respondent Solicitors have sworn under Oath to practice law in the state of South Carolina. Respondents also act "under the color of law", and have sworn under Oath of office upon taking admission to practice law in the state of South Carolina, and that includes being sworn under Oath of office taking upon admission to practice law in the state of South Carolina. Hearing and enforcing State and Federal laws and the Constitutional Laws of the United States of America. As Prosecutors, "Respondents" apart from the responsibilities imposed by the more specific Constitutional guarantees, are subject in Criminal cases to the process requirements relating to its role as the representative of the state "whose interest in a Criminal prosecution is not that it shall win a case but that Justice shall be done. Berger v. U.S., 295 U.S. 78 (1935); See also Giglio v. U.S., 405 U.S. 150 (1972).
- (3.) Complainant argues that Respondent Solicitor Warren S. Anderson was given knowledge of the great delay of his state Criminal Case by letters forged through U.S. Postal Services to his office address. See Title 18 U.S.C. 1702. Also that Respondent Superior Respondent Solicitor Ernest A. Finney III was also given notice of the same by forged letters from the Complainant to his office address. And due to the fact that both Respondents had ample time to uphold their Oaths of office and rectify the errors started, there would not be a complaint of lack of "Prosecution on their behalfs, neither for "Prosecutorial Misconduct" or for Fraud upon the Courts. Bullock v. U.S. 423 F. 2d 1115 (1985); "Fraud upon the Courts" is Fraud which is directed to the "Judicial Machinery" itself, and not Fraud between parties or fraudulent documents, False statements or Perjury, it is thus Fraud where "Court" or "member" is corrupted or influence or influence is attempted or where a Judge has not performed his Judicial functions so that the impartial functions of the Court have been directly corrupted. See Title 18 U.S.C. § 241 "Willful Corruption"; Also see Title 18 U.S.C. § 242 "Willful deprivations".

(3) Respondent Solicitor Assistant Solicitor Warren S. Anderson Failed to uphold his Oath of office when he was given knowledge of the Complainant's Criminal Case being delayed for such a long period of time, moreover that he Failed to Furnish the Complainant a Copy of his Motion of discovery and other exculpatory material such as the (N.C.I.C.), "National Criminal Information Center data base report, which he could have awaited on facts that the Complainant's Criminal Charges were not filed within the system. See Title 28 U.S.C. § 534. "Respectful Superior" Solicitor Ernest A. Finney III Failed to correct the errors of his assistant Solicitor, ensuring that he abide by the Constitution and State and Federal laws also to rules of the R.L.D.E. See *In re Myers*, 355 S.C., 1584 S.E. 2d 357 C.S.C. (2003).

Stating that Attorney disciplinary matter Panel of the Commission on Lawyer Conduct recommended that respondent receive a Public Reprimand for violating Rule 5.1 of the rules of Professional Conduct rule 407 S.C.A.C.R. Finding that he Failed to ensure that his deputy Solicitor adhered to the rules herein. Both Respondents acted with deliberate indifference and reckless disregard. Respondents are both corrupt members of the Courts and are clearly unfit to practice law in this State. See R.L.D.E rule 7(a)(5) of rule 413 S.C.A.C.R.

Conclusion

11. Wherefore Complainant Prays for the Supreme Court disciplinary Council Commission Panel to Force the R.L.D.E. rules under rule 5 of 413 S.C.A.C.R. To prevent further deprivation of his Free-standing rule-process rights under § 5.4. and also to prevent Respondents from infringing other Person's rights just as they have done to him.

April 28th 2022
 Mr. Lady Lee Butler
 200 South Jackson St.
 Raleigh SC 27652

Exhibit
 C-2

The South Carolina Court of Appeals

The State Respondent

C/A No. 2022-001802

v.

Certificate of Service

Bobby Joe Fulton Jr Appellant

I Bobby Joe Fulton Jr certify this 29th day of February, 2023 that I have deposited the Appellant's Rehearing Petition within the McCormie Correctional Institutions Mailing Services to be forwarded through U.S. Postal Services to the address of the Clerk's office of the Court of Appeals and to the Respondents as well as to the address of the Administrative office of the United States Courts.

To: Clerk's office of
South Carolina Appellate
Courts, P.O. Box 11629
Columbia SC 29211

To: Asst. Solicitor
Warren Scott Anderson
125 W. Main St.
Kingstree SC 29554

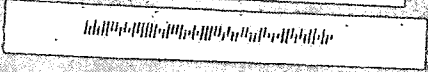
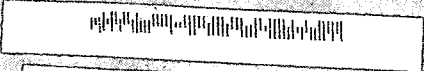
To: Administrative office of
The United States Courts
One Columbus Circle N.E.
Washington DC 20002

To: Robert Michael Dudek, Esquire;
Alan McCory Wilton, Esquire;
Warren Scott Anderson, Esquire;
William M. Bitch Jr, Esquire;
125 W. Main Street
Kingstree SC 29554

Bobby Joe Fulton Jr
Bobby Joe Fulton Jr
Pro Se Appellant
McCormie Correctional
382 Redeempen Way
McCormie SC 29899

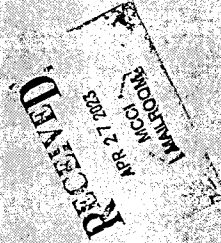
Appendix
E-1

Bobby Lee Gaston Jr. A# 288-209
Mecumac Correctional Institution
350 Redenham Way
Mecumac Sc 29549



RECEIVED

MAY 08 2023
SC Court of Appeals



April 27 2023

Clerks Office
South Carolina Appellate Courts
P.O. Box 1128
Columbia SC 29201

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