

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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SC Court of Appeals

Appellate Case No. 2022-000671

The State of South Carolina.....Respondent

v.

Terron Dizzley..... Appellant

**APPELLANT TERRON G. DIZZLEY'S RESPONSE TO ATTORNEY YARBOROUGH'S
RESPONSE TO TERRON G. DIZZLEY'S MOTION TO AMEND EMERGENCY MOTION TO
RELIEVE COUNSEL AND PROCEED PRO SE, FRAUD UPON THE COURT**

Appellant moves before this Honorable Court with Appellant Terron G. Dizzley's
Response to Attorney Yarborough's Response to Terron G. Dizzley's Motion to Amend
Emergency Motion to Relieve Counsel and Proceed Pro Se.

SCACR Rule 407, Rules of Professional Conduct, Rule 1.16, Comment {4}

“A client has a right to discharge a lawyer at any time, with or without cause, subject to liability of payment for lawyer’s services. Where future dispute may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

STATEMENT OF FACTS

Appellant contends that the record proves that Attorney Yarborough has a history of swindling his clients out of substantial amounts of money, violating Rules of Professional Conduct, committing criminal acts that reflects adversely on lawyer's honesty, trustworthiness, or fitness as a lawyer, engaging in conduct involving moral turpitude, dishonesty, fraud, deceit, and misrepresentation, and engaging in conduct prejudicial to administration of justice. See :. In re Yarborough, 343 S.C. 316 (2000).

Appellant contends that he had never received a hearing nor a ruling that complied with the law pursuant to findings of facts and conclusions of law pursuant to his case. Although, the S.C. Court of Appeals remanded the case back to the Circuit Court to issue a ruling pursuant to findings of facts and conclusions of law, Appellant still have not received that ruling nor a fair hearing. Appellant contends that he did not hire Attorney Yarborough to waive any of his issues, which can "only" be waived knowingly and intelligently, not by negligence on behalf of Counsel, nor by threats or intimidation by the Courts, or officers of the court.

Appellant contends that each issue raised in the "Emergency Motion for Immediate Release, Double Jeopardy, False Imprisonment, Lack of Trial Court's Jurisdiction to Impose Sentence," challenges the trial court's jurisdiction to impose a sentence on him. According to

clearly established S.C. Supreme Court law, subject matter jurisdiction can be raised at any time, even for the first time on appeal, and "cannot be waived even by consent of all parties," and the appellate court must take notice of such issues. See: State v. Guthrie, 352 S.C. 103 (2002); State v. Funderburk, 259 S.C. 256 (1972).

Appellant contends that before hiring Attorney Yarborough he explained to Attorney Yarborough that he had also filed a "Motion to Reinstate Direct Appeal," at the same time he filed this Emergency Motion For Immediate Release.... Appellant explained to Attorney Yarborough that he did not knowingly and intelligently waive his direct appeal and that this was done based on erroneous advice from Attorney Jeremy A. Thompson, who withdrew his direct appeal without filing an Anders Brief. Appellant also asked Attorney Yarborough to assist him with this matter. Once hired Attorney Yarborough, which is now clear, lied to Appellant Terron Dizzley stating that he had gotten the Appellate Court to reinstate his direct appeal. Appellant also explained to Attorney Yarborough that he was also deprived of his PCR due to fraudulent representation. See: "Motion to Correct False Procedural History and Law of Case," filed March 28, 2023, along with Emergency Motion to Relieve Counsel and Proceed Pro Se.

However, after receiving and reviewing the Brief Attorney Yarborough intended to file, not only did Attorney Yarborough not raise Appellants Fourth Amendment issue, and Fifth Amendment issue (indictment), Attorney Yarborough fabricated a false procedural history of Appellant's case, stating that Appellant intentionally waived his direct appeal to pursue a speedier process of a PCR, and that Appellant loss his PCR Appeal because he failed to timely appeal his PCR. Appellant addressed this to Attorney Yarborough and asked him why he would litigate such false procedural history of his case that would only prejudice Appellant, especially after lying to Appellant stating that he had got the Appellate Court to reinstate his direct appeal.

Appellant contends that Attorney Yarborough made no attempts to contact Appellant and correct this or to include Appellants other issues as agreed upon. Appellant, in order to protect his rights, had no choice but to fire Attorney Yarborough.

Attorney Yarborough's response to Appellant Terron Dizzley's Motion to Amend Emergency Motion to Relieve Counsel stating that: "Undersigned Counsel for the Appellant, Terron G. Dizzley, hereby submits the following Response to his Motion to Amend Emergency Motion to Relieve Counsel and Proceed Pro Se. Counsel timely filed the Initial Brief of Appellant on April 18, 2023, on Mr. Dizzley's behalf. In mid-March, Mr. Dizzley did advise Counsel that their representation was terminated by email and phone conversation. However, Mr. Dizzley had not properly moved to relieve counsel by the April 19, 2023, deadline set for the Initial Brief. Instead, on March 30, 2023, several voluminous "emergency" pleadings were filed on Mr. Dizzley's behalf that in sum request this Court to relieve counsel and allow Mr. Dizzley to proceed pro se. These filings were sent by two individuals not licensed to practice to law(1) nor were they properly served upon Counsel. Accordingly, they were not accepted as properly filed and were non-operative. Mr. Dizzley had been previously advised that Counsel would remain as his attorney of record unless and until the proper filing was made to relieve counsel and should this not occur, Counsel would file the Initial Brief in order to prevent untimeliness and further delay," is a misrepresentation of the truth, record, and contrary to clearly established S.C. Supreme law.

Appellant contends that the record proves that on March 13, 2023, Appellant sent Attorney Yarborough an e-mail indicating that he was firing Attorney Yarborough, not to file the Appellate Brief on their behalf, that Appellants were filing the Initial Briefs themselves, and requested that he return the \$7,500 which was agreed would be refunded if Appellants decided to file the Brief themselves, and also requested that he return the entire \$15,000 because he had breached the contract agreed to and did not

raise Appellant Fourth Amendment issue, Fifth Amendment indictment issue, also, Gwendolyn B. Frasier and LaQuesha Felder's First and Fourteenth Amendment rights to familial association issues, and that Appellant would write him with further details as to why they were firing him. On March 30, 2023, Appellant wrote Attorney Yarborough again via e-mail and explained to him that on March 28, 2023, Appellants had filed a motion to relieve him as counsel along with the Initial Brief of Appellants. In each of these e-mails, Appellant explained to Attorney Yarborough that he was fired and also requested that Attorney Yarborough return Appellants funds because he had breached their contract.

As a result of these e-mails, Attorney Yarborough sent Appellant, Terron Dizzley, a letter at Allendale Corrections, dated March 30, 2023, in response to the March 13, 2023 email, indicating that because Appellants were firing him, and filing the briefs themselves, that because the deadline to file the Initial Brief was March 23, 2023, (Note Attorney Yarborough had never sent Appellant any notice that the deadline for filing the Brief was March 23, 2023, pursuant to his second motion for extension) that he had to file for an extension of time on Appellants behalf, and that the Court had granted the extension to April 19, 2023. Attorney Yarborough explained in the letter that Appellant's Initial Briefs must be filed by April 19, 2023.

Appellant contends that their March 28, 2023, filings complied with all of the rules of court and laws of South Carolina. (1) According to clearly established S.C. Supreme Court law, "hybrid representation" does not apply to pro se litigants filing a motion to relieve counsel. Foster v State, 298 S.C. 306 (1988). Therefore, a motion to relieve counsel is just like any other motion filed in the court and only requires Appellant to serve the Clerk of Court and the Attorney General.

Therefore, (2) according to clearly established South Carolina Supreme Court law, the Clerk of Court of the S.C. Court of Appeals had no authority to reject Appellants' March 28, 2023, filing of their Emergency Motion to Relieve Counsel and Proceed Pro Se irrespective of any potential flaws that the clerk of court may have thought existed. See: Barnes v. State, 433 S. C. 399 (2021). Therefore, Appellants' March 28, 2023, filings were timely filed before the April 19, 2023, deadline. This was an error on behalf of the clerk of court, and Attorney Yarborough should have written the court explaining

that the clerk of court was violating his clients rights, and request that the court instruct the clerk of court to docket Appellants filings in compliance with Barnes, whereas, Rule 1.16(d) of the RPC, establishes that when an attorney has been terminated, until that termination has been made final by the court, he must still assist the client and represent the clients "best interest," and not do anything that would hurt his client. Appellant contends that allowing the clerk of court to perform "judicial duties," and reject filing Appellants motions knowing that the clerk of court's conduct was contrary to the law, and violated his client's rights, and would prejudice Appellants, was not looking out for Appellants best interest.

Appellant contends that once Attorney Yarborough was notified by Appellants, via e-mails on March 13, 2023, and March 30, 2023, he knew that Appellants had fired him and that any further representations, especially after Appellants had already filed a signed motion to the Court relieving him of counsel, would have been a "conflict of interest," thus violating the Rules of Professional Conduct. Attorney Yarborough, therefore, should have filed a motion to withdraw his representation. See: Rules of Professional Conduct, Rule 1.16, "A lawyer shall not represent a client or where representation has commenced, shall withdraw from the representation of a client if: (1) representation will result in a violation of the Rules of Professional Conduct." See: RPC, Rule 1.7, "A lawyer shall not represent a client if the representation involves a concurrent conflict of interest."

Attorney Yarborough's allegations that Appellants March 28, 2023, filings were not "properly" filed and : "Accordingly, they were not accepted as properly filed and were non-operative. Mr. Dizzley had been previously advised that Counsel would remain as his attorney of record unless and until the proper filing was made to relieve counsel and should this not occur, Counsel would file the Initial Brief in order to prevent untimeliness and further delay" is an intentional misrepresentation of the truth and contrary to S.C. Supreme Court law.

Appellant contends that Attorney Yarborough nor the Court sent him any notice stating that his March 28, 2023, filings would not be docketed because they were allegedly "not properly filed and, therefore, were non-operative." Appellant contends that the "only" document that he received from Attorney Yarborough was a letter acknowledging that he received the e-mails from March 13 and March

30 that he was being fired and that Appellants were filing the briefs themselves. Attorney Yarborough only indicated in this letter that he had filed for an extension of time which was granted until April 19, 2023, and that Appellants needed to file the Initial Brief by such time. Attached to Attorney Yarborough's letter was a copy of an order from the Court of Appeals granting the extension of time until April 19, 2023.

However, Attorney Yarborough did e-mail Appellant Gwendolyn B. Frasier a copy of the clerk of court's letter, dated April 5, 2023. However, Appellant Gwendolyn B. Frasier did not notice the e-mail until April 18, 2023, which is when she notified Appellant, Terron Dizzley, which was the day before the deadline. According to clearly established S. C. Supreme Court law, Attorney Yarborough nor Appellants had any obligation to follow instructions from the clerk of court as to any procedures imposed on Appellants in regard to filing their motions in the court.

GWENDOLYN B. FRASIER AND LAQUESHA FELDER

Appellant, Terron Dizzley, requests that This Honorable Court instructs Attorney Yarborough and The Clerk of Court of the S.C. Court of Appeals to cease from making false, baseless allegations about Appellants, Gwendolyn B. Frasier and LaQuesha Felder on public record that they are 'individuals practicing law without a license.'

Appellant, Terron Dizzley, contends that the false allegations made against his mother, Gwendolyn B. Frasier and his wife, LaQuesha Felder were intentional, whereas, the record shows that all of their motions filed to the courts, Appellants, Gwendolyn B. Frasier and LaQuesha Felder explained that they were "Pro Se" litigants exercising "their own" First and Fourteenth Right to Familial Association with Terron Dizzley, without government interference pursuant to Terron's false imprisonment, and that Appellants Gwendolyn B. Frasier nor LaQuesha Felder were not attempting to file any documents as an attorney on behalf of Appellant Terron Dizzley nor pursuant to any rights of Appellant Terron Dizzley, but, as to 'their own rights.'

Appellant, Gwendolyn B. Frasier, is an American citizen, therefore, The First Amendment of the United States Constitution applies to her which states:

Amendment I

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people to assemble, and to petition the Government for a redress of grievance.

Therefore, Appellants, Gwendolyn B . Frasier and LaQuesha Felder have a constitutional right to petition the government for a redress of grievance pursuant to their First and Fourteenth Right to Familial Association with Appellant, Terron Dizzley. See: Disabato v. South Carolina Ass'n of Schools Adm'rs, 404 S.C. 433 (2013), "The freedom of association implicit in The First Amendment is a fundamental right, and thus, like the freedom of speech, the First Amendment Protections against the abridgement of the freedom of association applies against the state through the Fourteenth Amendment."

Appellant, Terron Dizzley contends that, as American citizens, The Fourteenth Amendment also applies to Appellants Gwendolyn B. Frasier and LaQuesha Felder, which states in part.

Amendment Fourteenth

Section 1. All persons born or naturalized in The United States is subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall

any State deprive any person of life, liberty, or property without due process of law; nor deny any person within it's jurisdiction the equal protection of the laws.

Therefore, Appellants, Gwendolyn B. Frasier and LaQuesha Felder are afforded equal protection of law, and the right not to be deprived of life or liberty without due process of law. Appellant Gwendolyn B. Frasier and LaQuesha Felder are citizens of South Carolina; therefore, the law of South Carolina also applies to them.

See: S.C. Code sec. 40-5-80. Citizens may prosecute or defend own cause.

This chapter may not be construed so to prevent a citizen from prosecuting or defending his own cause, if he so desires.

Appellant contends that Attorney Yarborough misrepresented the truth by stating that he filed three extensions that were requested by Appellant Terron Dizzley. Appellant contends that the record proves that "**all**" of Appellants Motions filed pursuant to their case are entitled "**Emergency**," whereas Appellants requested an "emergency" hearing within 24 hours of filing their Motions pursuant to S.C. Code sec. 20-4-50, and have never been afforded procedural due process by providing Appellant with this hearing although Appellant's circumstances meets all the requirements for the granting of an emergency hearing.

Appellant contends that from the beginning of Attorney Yarborough's representation he requested that Attorney Yarborough file a Motion for an Emergency Hearing (habeas corpus), because he was being held unlawful pursuant to a violation of the Double Jeopardy Clause. See: State v. Rearick, 417 S.C. 391 (2016), "A defendant may still challenge the denial of a motion to dismiss on double jeopardy grounds via (1) a petition for federal habeas corpus relief, or (2) a petition for this Court to issue an extraordinary writ." Attorney Yarborough responded that he did

not know how to file for an emergency hearing, and even if he did, even though he is a lawyer, it is highly unlikely that the court would not grant him one; stating that: " you have to remember, you're in "South Carolina" and they do what they want to do." Appellant contends that he has e-mails which proves that he persistently requested that Attorney Yarborough did not file extensions in his case and provided Attorney Yarborough with case law which establishes that every time he filed an extension, that he was suffering "irreparable harm" by being held falsely imprisoned/ kidnapped pursuant to an unlawful conviction and sentence which violated the Double Jeopardy Clause. See: Gilliam v. Foster, 65 F.3d 287 (4th Cir. 1995), " balance of harm tipped decidedly in favor of petitioners, even though state claimed irreparable harm from delay in completing the retrial, as petitioners' loss of right not to be placed twice in jeopardy would be irreparable; and in view of likelihood of petitioners' success, as indicated by district court's grant of writ, stay would be denied."

Appellant contends that these emails also indicates the date Attorney Yarborough emailed Appellant Gwendolyn B. Frasier stating that he was finished with the Brief and provided a copy in the email requesting that Appellants review it and if anything needed to be added, he would add it. Appellant contends that these emails proves that Attorney Yarborough perjured himself on a court document by misrepresenting the truth stating that Appellant Terron Dizzley requested "all" three extensions. Appellant contends that he is being held falsely imprisoned and would not request an extension to extend his false imprisonment.

Appellant contends that Attorney Yarborough never sent them any notices from the first two extensions he filed and had stopped communicating with them. Appellant contends that he was diligent in having his mother, Appellant Frasier, contact Attorney Yarborough via email as to the status of the brief and Attorney Yarborough indicated that he did not know when it would be

finished and would provide them with the brief when it was done, and would allow Appellants to review it and would not file it without Appellants consent if Appellants did not agree with it.

Appellant contends that Attorney Yarborough misrepresented the truth by stating that: "It should also be noted that Counsel had repeatedly admonished Mr. Dizzley that such filings were not legitimate unless filed by a licensed attorney and advised against taking such action," and also such statement is contrary to the law.

Appellant contends that before hiring Attorney Yarborough Appellants Gwendolyn B. Frasier and Terron Dizzley informed Attorney Yarborough that LaQuesha Felder and Gwendolyn B. Frasier were parties to their Emergency Motion, pursuant to their First and Fourteenth Amendment rights to familial association with Terron Dizzley. Terron Dizzley explained to Mr. Yarborough and that Appellant Gwendolyn B. Frasier and LaQuesha were not filing any documents as a lawyer pursuant to any rights on behalf of Appellant Terron Dizzley. Appellant Terron Dizzley even explained to Attorney Yarborough that he would only hire Attorney Yarborough if he agreed to raise "all" of their issues contained in the Emergency Motion for Alteration...and he agreed.

Appellant Terron Dizzley contends that the record proves that these false allegations made against Gwendolyn B. Frasier and LaQuesha Felder that they were " individuals practicing law without a license" originated at the November 17, 2023, hearing in Georgetown by the Attorney General. Appellant contends that these allegations are "baseless," is not based on the merits of their case and was also stated in a final order by the Honorable Judge Culbertson that does not comply with the law pursuant to finding of facts and conclusions of law, although this was the sole purpose of the S.C. Court of Appeals remanding their case back to the Circuit Court.

Appellant contends that it was established in the S.C. Supreme Court that lobing such baseless allegations against an individual accusing them of " practicing law without a license" to prevent them from presenting their case, is "intimidating and threatening" that individual, and "prosecutorial misconduct." See: State v. Inman, 395 S.C. 539 (2011). Appellants contends that according to the law, such conduct is also a felony crime of "obstruction of justice."

Appellant contends that the record proves that Attorney Yarborough did not defend these false allegations made against Gwendolyn B. Frasier and LaQuesha Felder,, by addressing to the Court, as the defense attorney did in Inman, that such conduct by the Attorney General was "threatening and intimidating" his clients to prevent them from presenting their case. Appellant contends that the record proves that the attorney in Inman even filed motion to have the Solicitor's Office recused from the case for such conduct. Appellant Terron Dizzley expressed to the Court at the November 17, 2023, hearing that he wished to fire Attorney Yarborough and proceed pro se because he failed to protect their rights.

Appellant contends that after the hearing, Attorney Yarborough blamed his conduct in failing to protect their rights and failure to raise Appellants other issues on Judge Culbertson, stating that Judge Culbertson had it out for Appellants and him and no matter what he said, right or wrong, Judge Culbertson was bias, was not impartial, and would have never ruled in Appellants favor, and that the Emergency Motion For Alteration...should have never went before the same judge. Yet, Attorney Yarborough never filed a motion to recuse the Honorable Judge Culbertson. See: Ness v. Eckerd Corp., 350 S.C. 399 (2002), "motion to alter or amend judgment should have been heard by another circuit judge."

Attorney Yarborough then misrepresented the truth to Appellant Terron Dizzley again, stating that if Appellants did not fire him, he would raise all of the issues on appeal, and that he

would allow Appellants to review the Appellate Brief when he finished it, and if they did not agree with it, he would return the money paid to him for the appeal, which was \$7,500.

However, Attorney Yarborough breached his contract again and then started threatening Appellant Gwendolyn B. Frasier that he was not going to raise the issue of familial association, and if she or Terron filed anything in this case, he would ask to be removed from Terron's case.

Appellant contends that not once has the Attorney General, Judge Culbertson, nor Attorney Yarborough presented any findings of facts and conclusions of law on the merits of their case that supports the baseless, slanderous, false allegations against them. However, Appellants Gwendolyn B. Frasier and LaQuesha Felder has provided extension amounts of case law, supported by The United States Constitution, The U.S. Supreme Court, and S.C. Supreme Court, which establishes that they have a First and Fourteenth Amendment right "of their own" to familial association, with Terron Dizzley, without government interference, pursuant to his false imprisonment.

Appellant contend that the clerk of court and Attorney Yarborough has the misunderstanding that they can slander the names of Appellant Gwendolyn B. Frasier and LaQuesha Felder on public record, even pursuant to a final order by the Honorable Judge Culbertson, which according to S.C. law is an "appealable order," and they have no right to appeal such allegations no matter whether they were "aggrieved" by these allegations or not, and that somehow the law allows the clerk of court to "block" their filings from the court to prevent them from refuting such allegations. This is "obstruction of justice."

Appellant Terron Dizzley contends that Attorney Yarborough misrepresented the truth when he stated that Appellant's March 28, 2023, filings were signed by two individuals who did not have a license to practice law. Appellant contends that the record proves that their March 28, 2023, filings were signed by Appellant Terron Dizzley, Gwendolyn B. Frasier, and LaQuesha Felder, who are pro se litigants

exercising their " individual" rights. Appellant contends that since their first filing of their emergency motions, Appellants Gwendolyn B. Frasier and LaQuesha Felder's issues and jurisdictional statement was always separate from Terron Dizzley's issues. See: Argument 6 of the Appellate Brief. Therefore, such allegations of anyone of the parties in this case that they are " individuals practicing law without a license," is false, and not supported by the record. However, *Appellants are individuals practicing their First Amendment rights to petition the Government for redress of grievances, their Fourteenth Amendment rights not to be deprived of life, and liberty without due process and equal protection of laws, their Sixth Amendment rights to self-representation, and their statutory rights to prosecute their own case.*

Appellant contends that Attorney Yarborough's contentions that: "other compelling interest would be implicated in granting Mr. Dizzley's request, such as judicial economy, prevention of inconvenience or prejudice to the State, etc.," is a statement that is not in his clients best interest, therefore, violates RPC , Rule 1.16, is not made in the interest of " judicial economy," but, is only an attempt to persuade the Court to participate in his fraudulent acts and violate Appellants rights to self-representation, "conflict free counsel," and right to due process, in hopes that his Appellant Brief will be filed so that he doesn't have to return the money that he agreed would be returned if Appellants did not allow him to file the Appellant Brief.

Appellant contends that according to clearly established federal law, Appellant's constitutional rights guaranteed under the Fifth Amendment not to be twice put in jeopardy for the same offense, his constitutional right to "conflict free counsel," and right to due process outweighs any interest that the State has in this case. See Gilliam v. Foster, supra, 65 F.3d 287 (4th Cir. 1995); State v. Gregory, 364 S.C. 150 (2005). Appellant would reiterate that this case was filed as an "Exparte Emergency Motion," of which Appellant has never received a ruling on the "Exparte" Motion. Appellant would also reiterate that, according to clearly established U. S. Supreme Court law when evaluating a post trial motion to determine whether a sentence violates double jeopardy, there can only be "**one decision maker**", and the State is "**not allowed**" to argue against a double jeopardy issue to attempt to persuade a judge, as in Appellant's case, a third time, of Appellant's guilt or innocence, where the record is clear that the

Honorable Judge Baxley stated in Appellant's first trial of 2012, that Solicitor Scott Hixson and the Georgetown County Solicitor's Office failed to meet their "burden of proof" to convict Appellant. According to clearly established U. S. Supreme Court law, this is question of law that only a judge can make without placing Appellant in jeopardy again. See: Arizona v. Rumsey, 467 U.S. 203 (1984), see also, Argument 8 of Appellants March 28, 2023, Initial Brief of Appellants filed with the Emergency Motion to Relieve Counsel and Proceed Pro.

Appellant contends that Attorney Yarborough made a statement that Appellant's other issues are "unfounded." Appellant contends that he provided Attorney Yarborough with the case pursuant to his request before hiring him. According to Attorney Yarborough, he reviewed it and stated he agreed on "all" issues and the law which supported them. Once Attorney Yarborough was paid, right before the November 17, 2022, hearing, when Appellant asked Attorney Yarborough was he prepared to raise the Fourth Amendment and indictment issues, Attorney Yarborough responded that he did not know how to raise Fourth Amendment issues nor indictment issues, but, he would put Appellant Terron Dizzley on the stand at the hearing and let Appellant raise the issues himself. The record from the November 17, 2022, hearing proves this. Appellant contends that the other issues that Appellant Terron Dizzley raised in his initial brief, which consists of Appellant's Fourth Amendment Violations and Fifth Amendment Violations pursuant to Appellant's indictment, which Attorney Yarborough alleged were unfounded without any finding of fact nor conclusions of law to support such allegations, and, according to Attorney Yarborough, he stated to Appellant, Terron Dizzley, that he did not know how to raise these issues. Appellant contends that it's clearly established by the record that Attorney Yarborough has abandoned his role as an advocate for Appellant, and is now advocating for the State as his adversary which is an abandonment at a "critical stage." See: U. S. v. Cronin, 466 U. S. 648 (1984). Which is also a violation of the RPC, Rule 1.16. Whereas an attorney cannot attempt to sabotage a client's case because he fired him and is still supposed to represent his client's best interest until the termination is final. Appellant contends that according to clearly established law, Attorney Yarborough's conduct amounts to fraud upon the court.

See: United States v Throckmorton, 98 U. S. 61 (1878). " Where unsuccessful party has been prevented from fully exhibiting his case, by fraud or deception, as by keeping him away from court, false promise of compromise, or keeping him ignorant of the suit; or where an attorney fraudulently or without authority assumes to represent a party and connives at his defeat; or where attorney regularly employed corruptly sells out his clients interest; and in similar cases where there has never been a real contest, new suit may be maintained to set aside and annual judgment or decree."

Appellant contends that Attorney Yarborough was thoroughly explained every detail as to the case before he agreed to represent Appellants, and if he thought that he couldn't represent Appellants and perform competently, promptly, and without improper conflict of interest, he should have never taken the case. **See: RPC, Rule 1.16(d), Comment [1]** "A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion.

Appellant contends that Attorney Yarborough's claims that his filings of the Appellant Brief on Appellants behalf were "properly filed" and Appellants March 28, 2023, filings were not, is contrary to the law. (1) the RPC, Rule 1.2 requires an Attorney to get the informed consent from his client in a civil or criminal case before filing documents on their behalf. Attorney Yarborough did not get Appellants informed consent, nor notify Appellants he was filing the April 18, 2023, Brief, and knew his filings were against Appellants wishes; (2) RPC, Rule, 1.16, requires an Attorney who has been terminated to still provide his client with notice of court documents, papers, and represent his clients best interest until the termination is final by the court. Appellant contends that, Attorney Yarborough did not "properly" provide them with notice of the clerk of court's unconstitutional requirements placed on them to access the courts pursuant to their March 28, 2023, filings, nor did the Court, or Appellants would have responded and respectfully request that the Court resolved this issue.

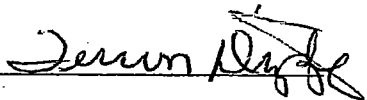
Therefore, the record shows that Attorney Yarborough did not follow the procedures required of him by the RPC before filing documents on behalf of a client, nor the rules required for an attorney who has been terminated. However, the record proves that there are no laws that exist that requires Appellants

to serve an attorney a copy of a motion relieving him as counsel, therefore, all of Appellants March 28, 2023, filings were procedurally correct, and if they were not, the clerk of court had no authority to reject docketing their filings irrespective of any procedural flaws she thought may have existed. This was a question of law for the judge, and according to the law, under such circumstances the court must issue an order giving the Appellant time to correct any deficiencies or procedural flaws.

For the foregoing reasons, Appellant, Terron Dizzley, contends that their March 28, 2023, Emergency Motion to Relieve Counsel and Proceed Pro Se must be granted and Initial Brief of Appellate and other documents, must be docketed in compliance with Barnes v. State, 433 S. C. 399 (2021), and adjudicated in an expeditious manner as an emergency in order to protect Appellant's life not to further irreparable harm pursuant to Appellant's false imprisonment.

Date: May 3, 2023

Respectfully submitted,

s. 

Terron Dizzley, 359480
ACI
1057 Revolutionary Trail
Fairfax, SC 29827

**EXHIBITS IN SUPPORT OF RESPONSE TO ATTORNEY YARBOROUGH’S RESPONSE TO TERRON DIZZLEY’S
MOTION TO AMEND EMERGENCY MOTION TO RELIEVE COUNSEL AND PROCEED PRO SE**

These Exhibits consists of e-mails to Attorney Yarborough from Appellate Terron and Gwendolyn B. Frasier which proves that Attorney Yarborough intentionally Misrepresented the truth in his response by stating that Appellant Terron Dizzley requested that Attorney Yarborough file three Extensions for Filing the Initial Briefs in this case.

Exhibit 1: Exhibit 1 consists of an e-mail sent to Attorney Yarborough on February 22, 2023. This e-mail is in response to countless attempts by Appellant, Terron Dizzley, to get Attorney Yarborough to file an extraordinary writ on his behalf and a Motion for an Emergency Hearing pursuant to Terron’s false imprisonment which violates the double jeopardy clause, whereas Attorney Yarborough consistently stated that he did not know how to file an extraordinary writ nor an emergency motion for appeal and that he felt like we asking him to do something unethical, although the law clearly establishes that the remedy for unlawful restraint and also violations of double jeopardy clause is an extraordinary writ. Appellant Dizzley provided Attorney Yarborough with the case law, in this e-mail, which establishes that the remedy for a double issue and false imprisonment is an extraordinary writ.

Exhibit 2: Exhibit 2 consists of an e-mail sent to Attorney Yarborough on March 2, 2023. This e-mail was sent to Attorney Yarborough for the purpose of providing him with case law which establishes that a double jeopardy and false imprisonment issue are extraordinary issues which calls for an extraordinary writ and that every time Attorney kept filing extensions to finish the appellate brief that Appellant was “ suffering irreparable harm”.

Exhibit 3. Exhibit 3 consists of an e-mail that Attorney Yarborough sent to Appellant Gwendolyn B. Frasier on March 9, 2023. This e-mail proves that Attorney Yarborough did not finish the appellate brief until March 9, and sent Appellants a copy of it. He asked them to review it and let Attorney know if we had any questions.

Exhibit 4. See also 4.

Exhibits 1 – 4 proves that since November 17, 2022, Appellants have been diligently attempting to get Attorney Yarborough to move promptly in filing the appeal. The emails prove that it was Attorney Yarborough requesting multiple extensions, without Appellant Terron Dizzley’s knowledge or consent. Appellant contends that these e-mails also prove that Appellant, Terron Dizzley, even specifically addressed to Attorney Yarborough that he was suffering irreparable harm by his filing of multiple extensions for filing the appeal. Therefore, these emails prove that Attorney Yarborough intentionally misrepresented the truth in his response by stating that Appellant Terron Dizzley requested that Attorney Yarborough file three extensions on his behalf.

Exhibit 5. Exhibit 5 consists of an e-mail sent to Attorney Yarborough by Appellant Gwendolyn B. Frasier for Appellant Terron Dizzley on January 16, 2023. The second part of the e-mail

proves that, based on a conversation with Attorney Yarborough, with Appellant Terron Dizzley and Appellant Gwendolyn B. Frasier, who said that he would address the issue of the Attorney General's false allegations that two people signed the motions, Gwendolyn "Frazier" and LaQuesha Felder, who were not attorneys or licensed to practice law, explaining that they were not individuals attempting to practice law, but were Pro Se litigants exercising their "individual" rights to petition the Court based on their First and Fourteenth Amendment rights to Familial Association with their son and husband, which were being violated, as a result of him being held falsely imprisoned with no jurisdictional authority. Attorney Yarborough said that if Appellants would send him affidavits to that effect, he would include them with the brief. A copy of the affidavits from Appellant Gwendolyn B. Frasier and LaQuesha Felder along with a document called "Right to Testify and Right to Self-defense" "were attached the e-mail sent by Gwendolyn B. Frasier for Appellant Dizzley who wrote that we would forward him notarized copies of the affidavits.

Exhibit 5 proves that Attorney Yarborough's misrepresented the truth in his response by stating that he admonished Appellant several times that he repeatedly admonished Mr. Dizzley that such filings were not legitimate unless filed by a licensed attorney and advised of taking such actions, in reference to Appellant Gwendolyn B. Frasier and LaQuesha Felder's filings. Appellant Dizzley contends that they would have never sent Attorney Yarborough an e-mail with affidavits from Appellants Gwendolyn B. Frasier and LaQuesha Felder if Attorney Yarborough did not agree to raise the issues, they would never have sent him the affidavit of Appellants Gwendolyn B. Frasier and LaQuesha Felder as indicated in the attached e-mails.

**EXHIBITS IN SUPPORT OF RESPONSE TO ATTORNEY YARBOROUGH'S RESPONSE TO TERRON DIZZLEY'S
MOTION TO AMEND EMERGENCY MOTION TO RELIEVE COUNSEL AND PROCEED PRO SE**

These Exhibits consists of e-mails to Attorney Yarborough from Appellate Terron and Gwendolyn B. Frasier which proves that Attorney Yarborough intentionally Misrepresented the truth in his response by stating that Appellant Terron Dizzley requested that Attorney Yarborough file three Extensions for Filing the Initial Briefs in this case.

Exhibit 1: Exhibit 1 consists of an e-mail sent to Attorney Yarborough on February 22, 2023. This e-mail is in response to countless attempts by Appellant, Terron Dizzley, to get Attorney Yarborough to file an extraordinary writ on his behalf and a Motion for an Emergency Hearing pursuant to Terron's false imprisonment which violates the double jeopardy clause, whereas Attorney Yarborough consistently stated that he did not know how to file an extraordinary writ nor an emergency motion for appeal and that he felt like we asking him to do something unethical, although the law clearly establishes that the remedy for unlawful restraint and also violations of double jeopardy clause is an extraordinary writ. Appellant Dizzley provided Attorney Yarborough with the case law, in this e-mail, which establishes that the remedy for a double issue and false imprisonment is an extraordinary writ.

Exhibit 2: Exhibit 2 consists of an e-mail sent to Attorney Yarborough on March 2, 2023. This e-mail was sent to Attorney Yarborough for the purpose of providing him with case law which establishes that a double jeopardy and false imprisonment issue are extraordinary issues which calls for an extraordinary writ and that every time Attorney kept filing extensions to finish the appellate brief that Appellant was " suffering irreparable harm".

Exhibit 3. Exhibit 3 consists of an e-mail that Attorney Yarborough sent to Appellant Gwendolyn B. Frasier on March 9, 2023. This e-mail proves that Attorney Yarborough did not finish the appellate brief until March 9, and sent Appellants a copy of it. He asked them to review it and let Attorney know if we had any questions.

Exhibit 4. See also 4.

Exhibits 1 – 4 proves that since November 17, 2022, Appellants have been diligently attempting to get Attorney Yarborough to move promptly in filing the appeal. The emails prove that it was Attorney Yarborough requesting multiple extensions, without Appellant Terron Dizzley's knowledge or consent. Appellant contends that these e-mails also prove that Appellant, Terron Dizzley, even specifically addressed to Attorney Yarborough that he was suffering irreparable harm by his filing of multiple extensions for filing the appeal. Therefore, these emails prove that Attorney Yarborough intentionally misrepresented the truth in his response by stating that Appellant Terron Dizzley requested that Attorney Yarborough file three extensions on his behalf.

Exhibit 5. Exhibit 5 consists of an e-mail sent to Attorney Yarborough by Appellant Gwendolyn B. Frasier for Appellant Terron Dizzley on January 16, 2023. The second part of the e-mail

proves that, based on a conversation with Attorney Yarborough, with Appellant Terron Dizzley and Appellant Gwendolyn B. Frasier, who said that he would address the issue of the Attorney General's false allegations that two people signed the motions, Gwendolyn "Frazier" and LaQuesha Felder, who were not attorneys or licensed to practice law, explaining that they were not individuals attempting to practice law, but were Pro Se litigants exercising their "individual" rights to petition the Court based on their First and Fourteenth Amendment rights to Familial Association with their son and husband, which were being violated, as a result of him being held falsely imprisoned with no jurisdictional authority. Attorney Yarborough said that if Appellants would send him affidavits to that effect, he would include them with the brief. A copy of the affidavits from Appellant Gwendolyn B. Frasier and LaQuesha Felder along with a document called "Right to Testify and Right to Self-defense" "were attached the e-mail sent by Gwendolyn B. Frasier for Appellant Dizzley who wrote that we would forward him notarized copies of the affidavits.

Exhibit 5 proves that Attorney Yarborough's misrepresented the truth in his response by stating that he admonished Appellant several times that he repeatedly admonished Mr. Dizzley that such filings were not legitimate unless filed by a licensed attorney and advised of taking such actions, in reference to Appellant Gwendolyn B. Frasier and LaQuesha Felder's filings. Appellant Dizzley contends that they would have never sent Attorney Yarborough an e-mail with affidavits from Appellants Gwendolyn B. Frasier and LaQuesha Felder if Attorney Yarborough did not agree to raise the issues, they would never have sent him the affidavit of Appellants Gwendolyn B. Frasier and LaQuesha Felder as indicated in the attached e-mails.

From: bill@wgylaw.com,
To: fblessed1@aol.com,
Subject: Re: Information and Concerns
Date: Wed, Feb 22, 2023 8:25 pm

Thank you

Sent from my iPhone

On Feb 22, 2023, at 2:36 PM, fblessed1@aol.com wrote:

Dear Attorney Yarborough:

Attached, please find some information that I prepared. Please focus on the area that is highlighted in blue, along with the entire summary of Terron's issues, since you mentioned that it seems that we want you to do something unethical during our last conversation. We don't want you to do anything unethical, just follow the law.

Please see below:

In The South Carolina Supreme Court, it was established in State v Gregorie, 339 S. C. 2 (2000) that, "On the merits, this issue is "simple". The Circuit Court found the State failed at trial to meet its "burden of proof" and ordered a new trial. Petitioner contends, correctly, that under these circumstances, a second trial in Magistrate Court would violate his Double Jeopardy Rights." Citing Burks v United States, 437 U. S. 1 (1978).

My Son Terron's case is the same as Gregorie. On the merits, the issue is "simple", the Honorable Judge Baxley found the State failed, at trial, to meet its "burden of proof" and ordered new trial. Terron's case is the same argument as Gregorie, therefore, under such circumstances, his second trial of 2014, violated his Double Jeopardy Rights.

In State v. Rearick, 417 S.C. 391 (2016), the South Carolina Supreme Court determined that *Gregorie* was not entitled to an appeal under the "regular" appeal requirements, rather, his appeal was "immediately appealable," because Gregorie was otherwise "aggrieved" by the new trial remedy ordered by the circuit court, because the court found the state failed to meet its "burden of proof," and Gregorie

was correct when he asserted that a second trial would violate his double jeopardy rights.

Again, please contact Terron and share your progress and plans with him.

Thank you.

Gwendolyn B. Frasier,
Terron Dizzley's Mother

<Summary of Case.docx>

<Summary of Case.docx>

5/1/23, 7:13 PM

Important Information

EXHIBIT 2

From: fblessed1@aol.com,

To: bill@wgyllaw.com, lisa@wgyllaw.com,

Subject: Important Information

Date: Thu, Mar 2, 2023 11:09 pm

Attachments: To Attorney Yarborough 32-2023.docx (14K)

Dear Attorney Yarborough:

Please attached.

Terron Dizzley

Dear Attorney Yarborough:

I am sending you this information to show you that, according to clearly established state and federal law, a double jeopardy issue is an extraordinary circumstance that calls for an extraordinary writ that can be filed in **federal or state court**, and such extraordinary circumstances, the courts has forbidden granting *stays* or *continuances* pursuant to double jeopardy issues because such delays would cause defendant to suffer irreparable harm.

Please see below:

In State v Rearick, 417 S. C. 391 (2016), it was established that: "A defendant may still challenge the denial of a motion to dismiss on double jeopardy grounds via (1) a petition for federal habeas corpus relief, or (2) a petition for this Court to issue an extraordinary writ."

State v Rearick, cites two Fourth Circuit cases in support of these facts that, not only is the remedy for a double jeopardy issue is a federal habeas corpus relief or a petition in the South Carolina Appellate Courts to issue an extraordinary writ, but these cases also establish that the courts cannot grant a motion for a stay pursuant to a double jeopardy claim without subjecting the defendant to irreparable harm.

Therefore, the motion that you filed for an extension of time to file my appellate brief under such extraordinary circumstances and the more time that you take to file my appellate brief, according to clearly established state and federal law, I am suffering irreparable harm.

Also, the fact that the S. C. Court of Appeals granted The Attorney General's request for a stay, to hold my motion for immediate release filed in The South Carolina Court of Appeals in abeyance was contrary to clearly established state and federal law which only caused me to suffer irreparable harm by such delay. The record shows that I addressed and objected to this

matter in "Our Motion to Update and Request for Conditional Order". See: Gilliam v. Foster, 63 F. 3d 287 (1995), "Balance of harm with respect to state's request for stay pending appeal of order granting writ of habeas corpus precluding State from proceeding with retrial tipped decidedly in favor of petitioner, even though State claimed irreparable harm from delay in completing the trial, which had already started, as petitioners' loss of right not to be placed twice in jeopardy would be irreparable and, in view of likelihood of petitioners' success, as indicated by district Court's grant of the writ, stay would be denied." Livingston v. Murdaugh, 183 F. 3d 300 (1999), "state-court defendant, whose prior conviction for felony driving under the influence had been reversed on appeal, 488 S.E. 313, sought federal habeas corpus relief, contending that his retrial on reckless homicide charge violated double jeopardy. The district court found that Livingston had exhausted his state remedies. See 28 U.S.C.A s 2254 (1)(A). We are mindful of the deference that is owed to the state court's adjudication of Livingston's claim. Given the circumstances in this case, however, we have no choice but to respect the constitutional protection a defendant enjoys against being "twice put in jeopardy" for the same offense."

From: fblessed1@aol.com,

To: freterrondizzleyfreedom@gmail.com,

Subject: Fwd: Terron's Initial Brief

Date: Thu, Mar 9, 2023 8:05 pm

Attachments: 3.9.23.pdf (61K), Dizzley, Terron Designation of Matter .pdf (99K), Dizzley, Terron Initial Brief.pdf (207K),

—Original Message—

From: Lisa Cherry <lisa@wgyllaw.com>

To: fblessed1@aol.com <fblessed1@aol.com>

Cc: William Yarborough <bill@wgyllaw.com>; Lauren Hobbis <laurenwgyllaw@gmail.com>

Sent: Thu, Mar 9, 2023 8:34 am

Subject: Terron's Initial Brief

Please see the attached Letter, Designation of Matter, and Initial Brief we intend to file on behalf of Terron.

We are mailing this out to Terron today.

Please let Mr. Yarborough know if you have questions.

Thank you,

Lisa Cherry, CP, SCCP

Paralegal

Law Office of William G. Yarborough, III

308 West Stone Avenue

Greenville, SC 29609

864-331-1612 (O)








864-271-0711 (F)

Lisa@wgyllaw.com



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Terron's Initial Brief

Lisa Cherry (lisa@wgylaw.com)

To: you + 2 more Details

3.9.23.pdf (61 KB)

Dizzley, Terron Designation of...pdf (99 KB)

Dizzley, Terron Initial Brief... (207 KB)

Please see the attached Letter, Designation of Matter, and Initial Brief we intend to file on behalf of Terron.

We are mailing this out to Terron today.

Please let Mr. Yarborough know if you have questions.

Thank you,

Lisa Cherry, CP, SCCP
 Paralegal
 Law Office of William G. Yarborough, III
 308 West Stone Avenue
 Greenville, SC 29609
 864-331-1612 (O)
 864-271-0711 (F)
lisa@wgylaw.com



William Yarborough (bill@wgylaw.com) To: you Details

I was asking you if I had everything that he wished for me to consider for filing. I strongly disagree with your rendition of my work and my contract with your son which he was adamant was between him and my firm.. Please understand I am the attorney of record neither you nor your son can file anything with the court in this case. If you do I will ask to be relieved and you may suffer consequences at the discretion of the court. We are doing are best to get the brief prepared and filed soon. Thank you, Bill

Sent from my iPho

On Mar 5, 2023, at 4:35 PM, fblessed1@aol.com wrote:

WHAT DO YOU MEAN, " WHERE ARE WE ON THIS GUY"? PLEASE ELABORATE!!!!
WHAT "GUY" ARE YOU TALKING ABOUT?

I PAID YOU TO REPRESENT MY SON (US) ON THE MOTION OF NOVEMBER 17, 2022, "MOTION TO ALTER, AMEND, MODIFY, RECONSIDERATION AND RECISSION OF ORDER" WHICH WAS REMANDED TO JUDGE CULBERTSON, FOR A RULING, BY THE S. C. APPEALS COURT.

YOU WERE AWARE OF THE CONTENTS OF THE MOTION AND AGREED TO PRESENT ALL THE ISSUES AS OUTLINED IN THE BRIEF AND THE SIGNED A CONTRACT WITH TERRON DIZZLEY TO THAT EFFECT. HOWEVER, YOU DID NOT DO SO IN THE HEARING. IN YOUR CONTRACT, YOU ALSO AGREED TO HANDLE AND RAISED ALL OF HIS ISSUES ON APPEAL FOR THE OTHER HALF OTHER HALF, \$7,500.00, OF THE \$15,000. WHICH YOU WERE PAID, IF YOU WERE PERMITTED TO DO THE APPEAL. THE CONTRACT SAID THAT IF WE DID NOT WANT YOU TO DO THE APPEAL THAT YOU WOULD RETURN THE OTHER HALF, \$7,500.00 OF THE FEE THAT YOU WERE PAID.

AFTER THE HEARING, YOU ASKED TERRON TO PROVIDE YOU WITH A COPY OF THE ISSUES FOR APPEAL; AND HE DID. LATER, YOU SAID THAT YOU WERE WAITING ON THE INFORMATION FROM HIM TO FILE THE APPEAL. HE SENT YOU THE INFORMATION FOR THE APPEAL AND TOLD YOU THAT HE WOULD AMEND IT IN ORDER TO VERIFY THAT THE LANGUAGE OF THE JUDGE WAS THE SAME IN THE TRANSCRIPT. AFTER RECEIVING THE TRANSCRIPT OF THE TRIAL, HE SENT YOU THE UPDATE. HOWEVER, WHEN HE SENDS YOU ADDITIONAL INFORMATION, AS HE FINDS THEM, TO SUPPORT HIS ISSUES, YOU SEEM TO TAKE OFFENSE.

ALTHOUGH, HE PROVIDED WITH THE INFORMATION, YOU FILED FOR AN EXTENSION OF TIME, AND AS OF 3/3/23, ACCORDING TO TERRON, YOU ARE STILL NOT READY TO FILE HIS BRIEF.

THE HEARING WAS IN NOVEMBER, 2022. HE (WE) ARE JUST TRYING TO BE SUPPORTIVE TO YOU WITH ADDITIONAL CASES TO SUPPORT HIS ISSUES, AS HE FINDS THEM, IN ORDER TO HELP YOU TO EXPEDITE HIS CASE.

JUDGE CULBERTON SAID THAT HE AGREED THAT IT WOULD BE AN ACQUITTAL IF IT WERE A BENCH TRIAL. HOWEVER, THE PRECEDENT CASE, UNITED STATES V MARTIN LINEN SUPPLY (A JURY TRIAL) AND SMALLIS V PENNSYLVANIA , A BENCH TRIAL, STATES THAT THE LAW APPLIES TO JURY AND BENCH TRIALS. SO, HE ACQUITTED HIM AGAIN, UNKNOWLING!

TERRON CONTENDS THAT JUDGE CULBERTSON WAS IN ERROR IN HIS RULING ACCORDING TO THE LAWS AS LISTED ABOVE.

IS IT YOUR CONTENTION TO CONTINUE TO BREACH THE CONTRACT THAT YOU SIGNED WITH MY SON, TERRON DIZZLEY, OR WILL YOU HONOR IT?

AGAIN, PLEASE EXPLAIN YOUR QUESTION "WHERE ARE WE ON THIS GUY", THAT YOU RESPONDED TO ME WHEN I SENT YOU SOME SUPPORTING CASES ON HIS BEHALF!

I PAID YOU, AND YOU AGREED TO REPRESENT HIM AND TO ARGUE ALL OF HIS ISSUES IN THE MOTION, WHICH WAS REMANDED TO JUDGE CULBERTSON, PRIOR TO SIGNING THE CONTRACT. THAT IS WHAT WE EXPECT YOU TO DO.

Gwendolyn B. Frasier,
Terron Dizzley's Mother

—Original Message—

From: William Yarborough <bill@wgylaw.com>
To: fblessed1@aol.com <fblessed1@aol.com>
Sent: Fri, Mar 3, 2023 8:45 am
Subject: RE: Important Information

WHERE ARE WE ON THIS GUY

Please be advised my email has changed to Bill@wgylaw.com

Thank you,

Bill Yarborough
Law Office of William G. Yarborough, III
308 West Stone Avenue
Greenville, SC 29609
864-331-1612 (O)
864-553-2222 (C)
www.wgylaw.com

From: fblessed1@aol.com <fblessed1@aol.com>
Sent: Thursday, March 2, 2023 8:10 PM
To: William Yarborough <bill@wgylaw.com>; Lisa Cherry <lisa@wgylaw.com>
Subject: Important Information

Dear Attorney Yarborough:

Please attached.

Terron Dizzley
Reply Reply All Forward

From: fblessed1@aol.com,

To: bill@wgyllaw.com, lisa@wgyllaw.com,

Subject: Final Issues to be Included in Appellate Brief - Right to Testify

Date: Mon, Jan 16, 2023 8:47 pm

Attachments: Frasier 3092a1a3-0a7d-4298-a62b-f8ffa8481c81 Frasier 22.docx (14K), Affidavit of LaQuesha Felder.docx (15K), Right to testify and Right to Self-defense Final (1) 2 CORRECTED.docx (16K)

Dear Attorney Yarborough:

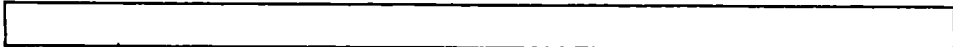
I respectfully request that you raise this final issue pursuant to my right to testify at the November 17, 2022 Hearing in Georgetown. According to clearly established South Carolina Supreme Court law, your request to Judge Culbertson at the hearing requesting my desire to testify in my defense was "**not hybrid representation**", and also my request to the Judge to testify in my defense was **not hybrid representation**. According to the South Carolina Supreme Court, these requests are preserved for appeal and are "**not harmless errors**". See: State v Riverea, 402 S. C. 225 (2013).

I have also attached affidavits from my mother, Gwendolyn B. Frasier and my wife, Laquesha Felder refuting the claims by The Attorney General and Judge Culbertson's order that they were attempting to practice law without a license which was also mentioned in the November Hearing. We forward you notarized copies of the affidavits.

Yours truly,

Terron G. Dizzley

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Final Issues to be Included in Appellate Brief - Right to Testify

(fblessed1@aol.com)

To: blf@wgylaw.com + 1 more Details ▾

Frasier 3092a1a3-0a7d-4298-a6...docx (14 KB)

Affidavit of LaQuesha Felder.d... (15 KB)

Right to testify and Right to ...docx (16 KB)

Dear Attorney Yarborough:

I respectfully request that you raise this final issue pursuant to my right to testify at the November 17, 2022 Hearing in Georgetown. According to clearly established South Caro Judge Culbertson at the hearing requesting my desire to testify in my defense was **"not hybrid representation"**, and also my request to the Judge to testify in my defense was i South Carolina Supreme Court, these requests are preserved for appeal and are **"not harmless errors"**. See: State v Riverea, 402 S. C. 225 (2013).

I have also attached affidavits from my mother, Gwendolyn B. Frasier and my wife, Laquesha Felder refuting the claims by The Attorney General and Judge Culbertson's order without a license which was also mentioned in the November Hearing. We forward you notarized copies of the affidavits.

Yours truly,

Terron G. Dizzley

- Reply
- Reply All
- Forward

Affidavit of LaQuesha Felder

I, LaQuesha Felder, declare under penalties of perjury that I am an American citizen. I am the wife of Terron Gerhard Dizzley and we have a nine year old child together, a seventeen year old step-son, and a 26 year old step-daughter. We lived together as husband and wife from 2008 until the time of his illegal incarceration in 2014. I am not a licensed attorney. I didn't, nor am I attempting to practice law without a license pursuant to my October 28, 2021, Proposed and Exparte Emergency Petition for Immediate Release of Terron Dizzley Pursuant to Double Jeopardy, False Imprisonment, Lack of Trial Court Jurisdiction to Impose Sentence pursuant to my husband, Terron Dizzley, nor am I attempting to practice law without a license pursuant to any appeals in this matter.

I am 43 years of age and competent as to my rights and as to the rights of my husband, Terron Dizzley, and children. I believe and understand that according to the laws of the United States Constitution that according to the circumstances of my husband, Terron Dizzley's case as addressed in my Emergency Petition, that he is being held unlawfully, falsely imprisoned, kidnapped by the South Carolina Department of Corrections for over eight (8) and a half years and counting without any legal nor jurisdictional authority.

Not only do I believe and understand that according to the law, that Terron is being held unlawfully. I also know that Terron is innocent because he was with me on the night that the crime occurred of which he is being held unlawfully. I testified to as an alibi witness, in both of trials in 2012, 2014 and his 2018 PCR,

I also understand that I have a right under the First and Fourteenth Amendment of the United States Constitution to familial association with my husband, Terron Dizzley, without any government interference, such as the illegal

incarceration of my husband, Terron Dizzley, and that I have I right to file an injunction to protect my rights and my children's to familial association with Terron Dizzley. I also understand that I have a right to prosecute and defend my cause without being retaliated against by government officials and officers of the court, by defaming my character and liable by being wrongfully accused of practicing law without a license by The Attorney General and The Honourable Judge Culbertson without any findings of fact nor conclusions of law to support these allegations and being deprived of my right to due process of an opportunity to be heard and fully, and fairly exhibit my case, and a judicial determination of my case on the merits at the November 17, 2022 hearing in Georgetown S.C. pursuant to my Petition For Immediate Release of my husband, Terron Dizzley.

Sworn to Before Me, _____, S, _____
this ____ day of _____ in the year

LaQuesha Felder
1440 Baxter Street
Orangeburg, SC 29115

NOTARY REPUBLIC of SOUTH CARILINA

My Commission expires: _____

incarceration of my husband, Terron Dizzley, and that I have I right to file an injunction to protect my rights and my children's to familial association with Terron Dizzley. I also understand that I have a right to prosecute and defend my cause without being retaliated against by government officials and officers of the court, by defaming my character and liable by being wrongfully accused of practicing law without a license by The Attorney General and The Honourable Judge Culbertson without any findings of fact nor conclusions of law to support these allegations and being deprived of my right to due process of an opportunity to be heard and fully, and fairly exhibit my case, and a judicial determination of my case on the merits at the November 17, 2022 hearing in Georgetown S.C. pursuant to my Petition For Immediate Release of my husband, Terron Dizzley.

Sworn to Before Me, _____, S, _____
this ____ day of _____ in the year

Gwendolyn B. Frasier
1440 Baxter Street
Orangeburg, SC 29115

NOTARY REPUBLIC of SOUTH CARILINA

My Commission expires: _____

Affidavit of Gwendolyn B. Frasier

I, Gwendolyn B. Frasier, declare under penalties of perjury that I am an American citizen. I am the mother of Terron Gerhard Dizzley. I am not a licensed attorney. I didn't, nor am I attempting to practice law without a license pursuant to my October 28, 2021 Proposed and Exparte Emergency Petition for Immediate Release of Terron Dizzley Pursuant to Double Jeopardy, False Imprisonment, Lack of Trial Court Jurisdiction to Impose Sentence pursuant to my Son Terron Dizzley, nor am I attempting to practice law without a license pursuant to any appeals in this matter.

I am a college graduate and have worked as a schoolteacher for the State of South Carolina for 39 years. I am competent as to my rights and as to the rights of my Son Terron Dizzley.

I believe and understand that according to the laws of the United States Constitution that according to the circumstances of my Son Terron's case as addressed in my Emergency Petition, that he is being held unlawfully, falsely imprisoned, kidnapped by the South Carolina Department of Corrections for over eight (8) and a half years and counting without any legal nor jurisdictional authority.

I also understand that I have a right under the First and Fourteenth Amendment of the United States Constitution to familial association with my Son, Terron Gerhard Dizzley, without any government interference, such as the illegal incarceration of my Son, Terron Dizzley, and that I have I right to file an injunction to protect my rights to familial association with my Son, Terron Dizzley. I also understand that I have a right to prosecute and defend my cause without being retaliated against by government officials and officers of the court, by defaming my

character and liable by being wrongfully accused of practicing law without a license by The Attorney General and The Honourable Judge Culbertson without any findings of fact nor conclusions of law to support these allegations and being deprived of my right to due process of an opportunity to be heard and fully, and fairly exhibit my case, and a judicial determination of my case on the merits at the November 17, 2022 hearing in Georgetown S.C. pursuant to my Petition For Immediate Release of my Son Terron Dizzley.

Sworn to Before Me, _____, S, _____

this ____ day of _____ in the year

Gwendolyn B. Frasier
7996 Pennyroyal Road
Georgetown, SC 29440

NOTARY PUBLIC of SOUTH CAROLINA

My Commission expires: _____

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 08 2023

SC Court of Appeals

Appeal from Georgetown County

Honorable Judge Benjamin Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

v

Terron Gerhard Dizzley

Appellant

=

APPELLATE CASE NO. 22-000671

CERTIFICATE OF SERVICE

I, Terron Dizzley, hereby certify on this 3rd day of May, 2023, filed a motion entitled, "Appellant Terron G. Dizzley's Response to Attorney Yarborough's Response to Terron G. Dizzley's Motion to Amend Emergency Motion to Relieve Counsel and Proceed Pro Se, Fraud Upon the Court" stamped filed. in the above matter by placing in U. S. mail, postage prepaid, sent to the address below:

Clerk of Court of Appeals, Jenny A. Kitchings
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

s. Terron Dizzley
Terron Dizzley, 359480, Pro Se
Allendale Correctional Facility
1057 Revolutionary Trail
Fairfax, SC 29827

Attorney General Allen Wilson
P. O. Box 11549,
Columbia, SC 29211

Chief Judge, James E. Lockemy
P. O. Box 750
Dillion, SC 29536

William Yarborough, III, Esquire
308 W. Stone Avenue
Greenville, SC 29609

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

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1955
1956

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
1954-1956

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1954-1956

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DEPARTMENT OF CHEMISTRY

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

MAY 08 2023

SC Court of Appeals

Appellate Case No. 2022-000671

The State of South Carolina.....Respondent

v.

Terron G. Dizzley.....Appellants

APPELLANT TERRON G. DIZZLEY'S RESPONSE TO ATTORNEY YARBOROUGH'S RESPONSE TO TERRON G. DIZZLEY'S MOTION TO AMEND EMERGENCY MOTION TO RELIEVE COUNSEL AND PROCEED PRO SE, FRAUD UPON THE COURT

NOTICE

Dear Honorable Clerk:

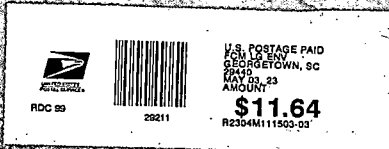
Enclosed, please find one original and one copy of "Appellant Terron G. Dizzley's Response to Attorney Yarborough's Response to Terron G. Dizzley's Motion to Amend Emergency Motion to Relieve Counsel and Proceed Pro Se, Fraud Upon the Court" stamped filed. Please send me a copy.

Date: May 3, 2023

Respectfully submitted,

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

S. Terron Dizzley
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SC Court of Appeals
Clerk of Court of Appeals, Jenny A. Kitchings
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