

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

JAMES A. BROWN,.....APPELLATE,

v.

STATE OF SOUTH CAROLINA,.....RESPONDENT,

case no.2001-GS-42-296

APPEALS TO COURT OF APPEALS

THE state APPEALS the trial court's decision to grant james a. Brown #282981, motion in arrest of judgment, on appeal, The state argues the trial court erred in granting john Alexander Webb's motion Appellate case no. 2020-000081. submitted november 1, 2022. and filed february 15, 2023. because it was used to challenge the sufficiency of the evidence as opposed to the validity of the indictment, and in subsequently vacating the jury's verdicts of guilty and entering a verdict of not guilty on each charge.

here in the instance case, Brown, because the trial court relied on the sufficiency of the state's evidence against Brown asking that,]WE[reverse the trial court order granting brown's motion in arrest of judgment and remand for consideration of his motion for a new trial PURsuant to rule 220(b) SCACR, and the following authorities, state v. Taylor, 348 s. c. 152, 160, 558, S.E.2d 917 920, (ctApp 2001). Aff'd 355 S.C. 392, 585 S.E.2d 303 (2003) (A motion for Arrest of judgment's is a postverdict motion made to prevent the entry of a judgment where the charging document is insufficient or the court lack jurisdiction to try the matter, id, at 159 .558, S.E.2d at 920 (our courts have recognized the Authority of a trial court to grant a verdict in arrest of judgment to prevent entry of judgment on the insufficiency of a indictment or some other fatal defect appearing on the fact of the Record.') state v. Follin, 352 S.C. 235, 259, 573 S.E.2d 812,824,

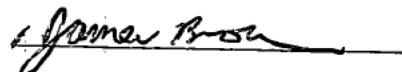
(ct App 2002). (However, the defendant may not move for a verdict in arrest of judgment based on the insufficiency of the evidence in case no.2001-GS-42-296, brown v. state, to support the charges in the indictment) id. at259,573 S.E.2d at 825 (W)hen ruling on a motion in arrest of judgment the trial court is limited to rectifying trial errors and cannot make a redetermination of the credibility and weight of the evidence; (alteration in original)(quoting 21 AM jur2d criminal Law7 700(1998).

)NW Airlines, inc, v. cnty, of kent, mich. 510 U.S. 355, 364 (1994), (A cross-petition is required...When the respondent seeks to alter the judgment below,'(citations omitted)): commercial credit loan inc, v. riddle, 334 s.c. 176, 187, 512 S.E.2d 123, 129, (ct App 1999) declining to address an issue raised in the Respondent's brief when the Respondent failed to Appeal the trial court's order):RULE 203 (c) SCACR (detailing the proper procedure for filing a cross Appeal).

CONCLUSION

Wherefore, for the forgoing reason, the Honorable court should Grant relief to reverse& vacate applicant's conviction and sentence

date 5.24 2023.



James A brown#282981
pro-se

IN THE STATE OF SOUTH CAROLINA
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JAMES A. BROWN,
petitioner,

v.

State of south carolina
Respondent,

MOTION FOR A NEW TRIAL
PURSUANT TO RULE 220(b)
SCACR.

THE petitioner above named motion the Court to Grant him Relief b
based upon the Grounds that the court A motion for Arrest of
judgments' is a postverdict motion made to prevent the entry of
a judgment where the charging document is insufficient or the
court lack jurisdiction to try the matter, id, at 159, 558. S.E.2d
at 920.

The trial court lacked jurisdiction to try and convict the petiti
oner, absent an indictment charging.

petitioner is confined in south carolina Dept. of Corrections
pursuant to 'Orders of commitment' of the Clerk of Court in
Spantanburg County. Petitioner was indicted by the spantanburg
county Grand Jury for[1] count of murder[case no. 2001-GS-42-296
] he was Respented by micheal barrtosh, Eequire.

After the state called the case to trial, petitioner was found '
'guilty' on march 27, 2002. The honorable Donald w. BEATTY ,sentence
petitioner to one life- sentence.

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STATE OF SOUTH CAROLINA.....RESPONDENT,

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PROOF OF SERVICE

I, JAMES A, BROWN, do hereby certify that I served True-copy of the filed and served my Appeals motion on Appeal''and that it complies with Rule220(b) of the south carolina Appellate court Rules on this matter. by placing the same in the U.S. mail, postage prepaid, addressed to;

S.C. Court of Appeals
c/o jenny Abbott Kitchens, clerk
post office box 11629
Columbia, south carolina 29211

S.C. office of ATTORNEY
GENERAL ALAN M. WILSON, Esq
post office box 11549
Columbia, south carolina
29211

Date 5-24 2023

James A Brown
James A brown#282981
perry correctional inst,
430 oaklawn road q4b/110
pelzer, s.c. 29669

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S.C. court of Appeals
c/o Jenny Abbott Kitchens, clerk
post office box 11629
Columbia, south carolina 29211

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SC Court of Appeals

Dear,; Clerk

you will find my original motion for appeal under Rule 220(b) and motion for arrest of judgments is a postverdict motion made to prevent the entry of a judgment where the charging document is insufficient or the court lack jurisdiction to try the matter, id at 159, 558, S.E.SD AT(@)920. to be fill, in your office I thank you very much in this matter.

Date 5-24 2023.

James A. Brown
James A. Brown#282981
perry correctional inst,
430 oaklawn road q4b/110
pelzer, south carolina 29669

JAMES A. BROWN #282981
Peny. Correctional inst.
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Parker S. C. 29669

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