IN THE SOUTH CAROLINA COURT OF APPEALS

EMERGENCY HUNGER STRIKE FOR IMMEDIATE RELEASE
KIDNAPPING/ FALSE IMPRISONED
FREE TERRON GERHARD DIZZLEY
I AM NOT A SLAVE

My name is Terron Gerhard Dizzley, and I am exercising my First Amendment rights, by initiating this hunger strike demonstration because I am intentionally being held kidnapped/falsely imprisoned by my own State, South Carolina, and Country, the United States of America for nine years and counting, without any legal nor jurisdictional authority for the crime of murder. Not only am I being held kidnapped/falsely imprisoned, I am innocent, and, have been proven to be innocent in a court of law. I am currently being held kidnapped/falsely imprisoned at Allendale Correctional Institution, 1057 Revolutionary Trail, Fairfax, South Carolina 29827, by Warden Langdon.

I have been wrongfully accused and unlawfully convicted, and sentenced, and my basic human rights have been violated.

I have been internationally deprived of procedural and substantial due process by the judicial system to remedy my kidnapping/false imprisonment to restore my freedom. I have never had a direct appeal, which was withdrawn without an Anders Brief, nor judicial determination of appeal merits by the S.C. Court of Appeals as required by law. I was also deprived of my PCR, and appeal due to fraudulent representation and "fraud upon the court."

The intentional acts of the judicial system of turning a "blind eye" to the crimes of kidnapping/false imprisonment being committed against me, the denial of due process, and equal protection of laws, and the depravation of my rights to access the courts to cover up my kidnapping/false imprisonment, amounts to discrimination, conspiracy to commit kidnapping, obstruction of justice, and are hate crimes of an unlawful subjection to slavery in violation of my Fourteenth Amend. rights, Eighth Amend. rights to be free from "cruel and unusual punishment," and Thirteenth Amend. rights.

According to the law, false imprisonment is kidnapping, and assault and battery. Which means that for nine years and counting, I have been intentionally assaulted by my own State and Country, not just pursuant to the legal definition of false imprisonment, but, I have been stabbed by an inmate, assaulted by Correctional Officers on several occasions, and my life has been threatened by Correctional Officers on several occasions in retaliation for simply exercising my rights to obtain my freedom, all while the circumstances, and law of my case proves that the South Carolina Dep't of Corrections has no legal nor jurisdictional authority to hold me in prison. **I FEAR FOR MY LIFE, AND MY DEMANDS ARE SIMPLY WHAT I AM ALREADY ENTITLED TO UNDER THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.**

THIS IS WHY DIRECT ACTION MUST BE TAKEN NOW!

Part 1. **STATEMENT OF FACTS**

In August of 2012, Terron was unlawfully tried for the crime of murder in Georgetown S.C., by Solicitor's Gregory Hembree, and Assitant Solicitor, Scott Hixson, in a trial by jury, of which the Georgetown County Solicitor's Office never had jurisdiction to try Terron. **(See: Part 2).**

In "The Charge on the Law," to the jury before jury deliberations, Judge Baxley stated the following: "**In this state, according to the Constitution, the prosecution must prove their case to the standard of proof we call beyond a reasonable doubt, which is – that is before a finding of guilt may occur, and if the state failed to meet this high burden and it is a high burden, the defendant is entitled to an acquittal.**" (See: Trial Transcript of 2012, Court Reporter, Krystal Smith, P. 74, L. 20-25.).

After only 3 to 4 hours of deliberations, the jury informed the Honorable Judge Baxley that they could not reach a decision. Judge Baxley then called the jury in the courtroom and stated the following :

"Now what you told us is that you can't reach a unanimous decision, and I would say you that that's not a failure on your part. That's actually a strong message to the prosecution that they are unable to meet the **"burden of proof"** to the extent that they can bring back a unanimous verdict." (See: Trial Transcript of 2012, P. 314, L. 4-18- P. 315, L. 1-8.).

Therefore, according to the Honorable Judge Baxley's own charge on the law to the jury, if the state failed to meet their **"burden of proof"** to convict Terron, he was entitled to an **acquittal.** Moreover, according to Judge Baxley's own ruling, that the prosecution failed to meet the **"burden of proof"** to convict Terron, and, according to clearly established state and federal law, that ruling was a "judgment of acquittal."

However, after stating this, the Honorable Judge Baxley declared a mistrial instead of entering a verdict of aqcuittal as required by law.

The U.S. Supreme Court, in U. S. v. Martin Linen Supply Co., 430 U.S. 564 (1977), which is the precedent case on "judgments of acquittals," establishes that anytime a judge makes a ruling that the prosecution failed to meet their **"burden of proof,"** or that there was **"insufficient evidence"** to convict, that ruling is an **"acquittal"** despite whatever "label" the judge placed on the ruling, whether the judge labels the ruling a mistrial, hung jury, dismissal or whatever, and Double Jeopardy bars a retrial. See also: Evans v. Michigan, 568 U. S. 313 (2013), "Here we know that trial court acquitted Evans, not because it incanted the word, "acquit" (which it did not) **but because it acted on its view that the prosecution had failed to prove its case.**"However, Terron was unlawfully tried again 2 years later in 2014 for the same offense, by Solicitor, Gregory Hembree and Assitant Solicitor, Erin Bailey, and unlawfully convicted, and sentenced to 35 years in prison.

The landmark, U.S. Supreme Court precedent cases on double jeopardy, are Exparte Lange, 85 U.S. 163 (1863), and U.S. v. Scott, 437 U.S. 82 (1978). *Scott* establishes

that, under such circumstances as in Terron's case, the moment that the Honorable Judge Baxley stated in Terron's first trial of 2012, that the prosecution failed to meet their **"burden of proof"** to convict him, that the prosecution, and **any "alleged" jurisdiction** terminated upon Terron's case, may not be appealed, and double jeopardy barred retrial. *Scott* also establishes that such rulings based on "insufficient evidence" to convict, establishes a person's **"innocence"** and "lack of criminal culpability" to have committed the offense charged. *Lange,* has established since 1863, that a sentence imposed on a person in violation of the Double Jeopardy Clause, such as Terron's, is without jurisdiction, and, therefore, is **" void for want of power"** and affords no legal nor jurisdictional authority for the South Carolina Dep't of Corrections to hold Terron in prison, and he must be discharged.

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).
Terron contends that his case is the same as *Gregorie*. As stated in the South Carolina Supreme Court's own words, "on the merits, the issue is **"simple."** In Terron's first trial of 2012, the Honorable Judge Baxley found that the Solicitor Scott Hixson failed, at trial, to meet the **"burden of proof"** and ordered a new trial. Terron also makes the same argument as *Gregorie*, that under such circumstances, his second trial of 2014, violated his double jeopardy Rights. State v. Rearick, 417 S.C. 391 (2016), establishes that *Gregorie's* case was "immediately appealable," because *Gregorie* was "aggrieved" by the trial court's new trial remedy after finding that the State failed to meet their **"burden of proof."** Terron Dizzley, was also "aggrieved" by the Honorable Judge Baxley's new trial remedy after finding that the State failed to meet their **"burden of proof"** to convict him. The Equal Protection Clause of our federal and state constitutions declare that no person shall be denied the equal protection of the laws. U.S. Const. amend. XIV sec. 1; S.C. Const. art. 1, sec. 3. Equal protection requires **"all** persons to be treated alike under like circumstances and conditions, both in privileges conferred and liabilities imposed." Therefore, under the Equal Protection Clause, Terron is entitled to the same treatment as *Gregorie,* pursuant his rights guaranteed under the Fifth Amendment Double Jeopardy Clause.

In another South Carolina Supreme Court case, State v. Clifford, 335 S.C. 129 (1999), the conviction was reversed based on the **"legal insufficiency of evidence,"** and the matter was remanded to the trial court with instructions to enter a verdict of aqcuittal. Citing Burks v. United States, 437 U.S. 1 (1978), "The Double Jeopardy Clause forbids a second trial for the purpose of affording the prosecution another opportunity to supply evidence which it failed to muster in the first proceeding; and the **"only"** just remedy available for the court is the direction of a judgment of acquittal."

According to the above laws, the **"only"** just remedy that the Honorable Judge Baxley could have made in Terron's first trial of 2012 after establishing that the Georgetown County Solicitor's Office failed to meet their **"burden of proof"** to convict Terron, was to enter a verdict of aqcuittal, not grant a new trial to allow the Georgetown County Solicitor's Office a second opportunity to try Terron again for the same offense to attempt to meet their burden of proof. This has resulted in nine years

and counting of Terron being held kidnapped/falsely imprisoned. This State has been, and is still trying to cover up Terron's false imprisonment through unconstitutional and illegal means this entire time by depriving Terron from accessing the court, which is a felony crime of "obstruction of justice."

Not only was Terron acquitted of these unlawful charges in his first trial of 2012, Terron was also acquitted of these charges again at a November 17, 2022 hearing in Georgetown County Court of General Sessions, after Terron's case was remanded back to the trial court pursuant to Terron's Emergency Motion For Immediate Release, Double Jeopardy, False Imprisonment, Lack of Trial Court's Jurisdiction to Impose Sentence. At the hearing, the Honorable Judge Culbertson admitted that the Honorable Judge Baxley's ruling in Terron's first trial, discharging Terron's jury on grounds that the prosecution was unable to meet their **"burden of proof"** to convict Terron was an acquittal. However, after stating this, the Honorable Judge Culbertson intentionally stated an error of law, by stating that Judge Baxley's ruling would have only been an acquittal in a bench trial, and because Terron had a jury trial, that Judge Baxley's ruling was not an acquittal.

The U.S. Supreme Court determined in, United States v. Morrison, 429 U.S. 1, 3 (1976), **"Double Jeopardy Clause treats bench and jury trials alike."** The U.S. Supreme Court controlling case pursuant to "judgments of acquittals" based on "insufficient evidence to convict," is, United States v. Martin Linen Supply Co., 430 U. S. 564 (1977), which is a jury trial case. The controlling case on "judgments of acquittals" pursuant to bench trials is, Smallis v. Pennsylvania, 476 U. S. 140 (1986), and *Smallis* supports its decision using *Martin* and other jury trial cases. See: Smalis v. Pennsylvania, 476 U. S. 140 (1986), "The Supreme Court, Justice White, held that trial judge's ruling on defendants' demurrer holding that Commonwealth's evidence was insufficient to establish factual guilt was an acquittal under double jeopardy clause and barred Commonwealth's appeal. **Whether the trial is to a jury or, as here, to the bench**, subjecting the defendant to post acquittal proceedings going to guilt or innocence violates The Double Jeopardy Clause." U. S. v. Scott, 437 U. S. 82 (1978), "A judgment of an acquittal, whether based on jury verdict of not guilty **or on a ruling by the court** that the evidence is insufficient to convict may not be appealed and terminates the prosecution when a second trial would be necessitated by reversal." Evans v. Michigan, 568 U. S. 313 (2013), "An acquittal, is unreviewable on retrial, under The Double Jeopardy Clause, whether the judge directs the jury to return a verdict of acquittal **or foregoes that formality by entering a judgment of acquittal herself."**

Therefore, according to clearly established U.S. Supreme law: (1) The Honorable Judge Culbertson's ruling was an acquittal despite his intentional misinterpretation of the law that "judgments acquittals" pursuant to "insufficient evidence" to convict only applies to bench trials. See: Evans v. Michigan, 568 U. S. 313 (2013), " A mistaken acquittal is an acquittal nonetheless, even if the acquittal is "based upon an egregiously erroneous foundation", Fong Foo v. United States, 369 U. S. 141, such as an erroneous decision to exclude evidence, Sanabria v. United States, 437 U. S. 54, a mistaken understanding of what evidence would suffice to sustain a conviction, Smith v. Massachusetts, 543 U. S. 462; or a "misconstruction of the statute" defining the requirements to convict, Arizona v. Rumsey, 467 U. S. 203 (1984)." ; and (2) According to clearly established U.S. Supreme Court law, the Honorable Judge

Culbertson's ruling was also an acquittal, despite the label that he placed on his ruling of a "denial" of Terron"s Motion.

I would like to take this opportunity to reiterate that, according to Exparte Lange, 85 U.S. 163 (1863), **" A second judgment of the same verdict is, under such circumstances, "void for want of power," and it affords no authority to hold the party a prisoner, and he must be discharged."**

Despite the fact that the law is clear in Terron's case, that he is literally being held kidnapped/falsely imprisoned pursuant to an unlawful sentence without jurisdiction in violation of the Fifth Amendment Double Jeopardy Clause. Terron's case, which is now pending in the S.C. Court of Appeals, has been held in abeyance for 10 months, pursuant to a request from the Attorney General, despite Terron's objections, and clearly established federal law that establishes that a double jeopardy issue, or any issues dealing with life or liberty cannot be held at stay, because, the defendant will suffer **"irreparable harm"** by such delay. See: Gilliam v. Foster, 63 F. 3d 287 (4th Cir. 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."**

Part 2.

On December 11, 2008, Investigator Melvin Garrett of the Georgetown County Sheriff's Dep't of S.C. applied for an arrest warrant for, Terron Gerhard Dizzley, for murder without probable cause, and prepared an affidavit in the arrest warrant that does not provide any information at all that would have enabled Magistrate, Elaine C. Elliott to determine probable cause to issue the arrest warrant. Terron's arrest warrant affidavit only states that he allegedly committed a crime, without any personal knowledge, or facts supported in the affidavit as required by the Fourth Amendment. Yet, despite this, Magistrate, Elaine C. Elliott unlawfully issued an arrest warrant for Terron's arrest for murder without probable cause. See: State v. Dunbar, 361 S.C. 240 (2004). Thus, according to the Fourth Amendment of The United States Constitution and The S.C. Constitution, Article I, § 10, Terron's arrest warrant is constitutionally deficient, and, therefore, held no legal nor jurisdictional authority for the Georgetown County Sheriff's Dep't to arrest Terron.

In State v. Smith, 301 S.C. 371 (1990), "The Supreme Court, held that the affidavit submitted to the magistrate in support of a search warrant application contained no facts for which the magistrate could determine why the police officers believed that defendant robbed a motel."

ARREST WARRANT AFFIDAVIT IN STATE V. SMITH

"That on May 12, at approximately 12:45 p.m. Reginald Jerome Smith went into The Master Inn located at 1468 Savannah Hwy., Charleston, S.C. and he then robbed the manager at knife point. Smith had been staying at The Host of America

Room 216 since Jan. 1, 1988 and there is every reason to believe the weapon and clothes used in the robbery will be located in the room. This information was confirmed in person by Sgt. Sherman on 05/13/88."

The United States Supreme Court in Giordenello v. U. S., 357 U.S. 480 (1958), also determined that *Giordenello's* affidavit in his arrest warrant was constutionally deficient because it doesn't contain any person knowledge of the arresting officer for which a magistrate could determine probable cause.

ARREST WARRANT AFFADAVIT IN GIORDENELLO v. U.S.

"The undersigned complainant (Finley) being duly sworn state: That on or about January 26, 1956, at Huston, Texas in the Southern District of Texas, Veto Giordenello did receive, conceal, etc. narcotic drugs, to -- wit: heroin, hydrochloride with knowledge of unlawful impartation; in violation of Section 174, Title 21, U. S. Code."

A comparison of Terron's affidavit in his arrest warrant with the affidavit in the arrest warrant in *Smith* and *Giordenello* proves that they are identical, on the grounds that they provide no sufficient basis for which a finding of probable cause could be made, and only alleges that crimes were committed.

ARREST WARRANT AFFIDAVIT OF TERRON GERHARD DIZZLEY

"That on or about December 1, 2008, at approximately 10:30 p.m. at 899 Oakland Road in the County of Georgetown, while at the Paradise Club/First and Ten Sports Barr, one Terron Gerhard Dizzley did, with malice and forethought cause the death of Aundry Evans, Jr. by shooting him about the body multiple times with a handgun. This being against the peace and dignity of The State of South Carolina and a violation of South Carolina Code of Law 16-03-0010.
12080088 / Inv. M. Garrett / Inv. D. Morris".

After hiring a Private Investigator, Bennie L. Webb, of The Palmetto Center For Law and Justice, to investigate Terron's arrest warrant, it was also found that Investigator Garrett made **"false declarations"** to the magistrate to obtain Terron's arrest warrant. According to clearly established state and federal law, Terron's arrest warrant is null and void, which resulted in false imprisonment/kidnapping. See: State v. McKnight, 291 S. C. 110 (1987); State v. Jones, S.C. 228 (1998); Frank v. Delaware, 438 U.S. 154 (1978).

According to the laws of South Carolina, the magistrate at Terron's preliminary hearing had no legal nor jurisdictional authority to bound Terron's case over to criminal court pursuant to an unlawful arrest, pursuant to an invalid arrest warrant without probable cause. (**Note**: Terron Dizzley was literally being held kidnapped at the preliminary hearing, because the Georgetown County Sheriff's Dep't had no legal nor jurisdictional authority to restrain Terron of his liberty and have him brought to a preliminary hearing pursuant to an invalid arrest warrant; **Also note**: This was **not** a "warrantless arrest."). However, this is exactly what happened.

According to the laws of South Carolina, because the jurisdiction of the grand jury is "coextensive" with the of jurisdiction of the criminal court, the preliminary hearing magistrate's order to bound Terron's case over to criminal court pursuant to an invalid arrest warrant, under such circumstances was null and void. Therefore, the Georgetown County Solicitor's Office lacked jurisdiction to indict Terron for murder, and, therefore, Terron's indictment is also null and void. Therefore, the Georgetown County Solicitor's Office nor the trial court had jurisdiction to try Terron for murder. See: State v. Funderburk, 259 S.C. 256 (1992); Carter v. Bryant, 429 S.C. 298 (2020), "Drawing on Frank v. Delaware, 438 U.S. 154 (1978), a facially valid warrant or other facially sufficiently legal process (be it a preliminary hearing ruling or even a grand jury indictment) does not cut off a person Fourth Amendment Right if the process has been so tainted that **"the result is that probable cause is lacking."** According to U.S. Supreme Court law, because Terron's indictment is null and void, a conviction and sentence under such circumstances exceeds the jurisdiction of the court and holds no authority for the South Carolina Dep't of Corrections to hold Terron imprisoned under such sentence. See: Exparte Wilson, 114 U.S. 417, (1985).

This means that, Terron was aqcuitted twice, for the crime of murder, of which the Georgetown County Solicitor's Office never had jurisdiction to try him for.

Terron's entire case revolved around an alleged inadmissible hearsay statement from the victim, pursuant to the vague nicknames "D" or "Little D" shot him, according to witnesses was wearing a mask and could not be identified. Witnesses that alleged that the statement was made stated that the victim never established who this person was allegedly mentioned by nickname(s). Terron has never been known by these nicknames. The alleged hearsay statement was allowed in over Terron's lawyer's objections, and although the victim never established who this person was, the State attributed the nicknames to Terron. Moreover, this was an error of law which violated Terron's Sixth Amend. rights under the Confrontation Clause. See Crawford v. Washington, 541 U.S. 36 (2004); Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009).

Terron also has **after-discovered evidence** which proves that the Georgetown County Solicitor's Office knowingly presented false testimony from their key witness Douglas Morris to falsely identify Terron, **not** as the shooter, but, by the nickname "D," "Little D," pursuant to the alleged "vague" nicknames "allegedly" mentioned by the victim. On December 2, 2008, the day after the shooting, in an interview with Investigator Garrett and Dustin Morris of the Georgetown County Sheriff's Dep't, Douglas stated that after the shooting, victim allegedly stated that "D" shot him. When Investigator Garrett asked Douglas did he know who this "D" was, Douglas responded, **"No Sir."** However, Solicitor's Scott Hixson and Erin Bailey knowingly presented false testimony from Douglas Morris in both Terron's first and second trials that he knew Terron by nickname "D" and that he believed victim was speaking of Terron. Terron contends that he has never been known by the nicknames "D" nor "Little D," and did not know, nor had he ever met, nor seen Douglas prior to both trials, nor did Douglas know, nor ever met, nor seen Terron prior to both trials. This was the sole issue of the prosecution's case, and the the only reason Terron was unlawfully convicted. This evidence was withheld from Terron during both trials by his trial attorney. Terron discovered this information after incarcerated. This evidence proves **"prosecutorial**

misconduct," that the Georgetown County Solicitor's Office knowing presented false testimony to obtain an unlawful conviction. Napue v. Illinois, 360 U.S. 264 (1959).

Throughout both unlawfully trials, Terron provided an alibi defense which proves that he was in Orangeburg South Carolina where he lived at the time the crime happened. The crime occurred in Georgetown South Carolina, 3 hours away, of which the State never presented any evidence to refute Terron's alibi defense. According to the the jury instructions from the judge in both trials, and clearly established State and U.S. Supreme Court law, if the State doesn't present any evidence to refute an alibi defense, that person must be aqcuitted. This is, according to the law, because an albi defense is an **"actual innocence defense,"** which makes it phisically impossible for that person to have committed a crime if that person was somewhere else at the time that the crime occured. See: State v. Bealin, 201 S.C. 490 (1943), "Where presence of accused at time and place of crime is necessary to responsibility there of, State **"must"** prove such presence beyond a reasonable doubt, and hence alibi is not affirmative defense in denver that accused has burden of proof theron." Schlup v. Delo, 513 U.S. 331 (1995), "Sworn statements of two people that cast doubt on whether Petitioner could have participated in the murder in light of his whereabouts around the time of the crime would support the Petitioners **"actual innocence"** claim if found reliable."

There was also testimony presented by State witnesses Gary Gibson and Jamison Wright that the shooter was **"too tall"** to have been Terron. Gary Gibson also stated this in a statement given to Investigator Steven Brown on August 20, 2012. Terron even stood up in court and his defense attorney asked Gibson was the shooter he saw with the mask on Terron's hight in reference to the statement he gave. Gibson again stated on the record that the shooter was **"too tall"** to have been Terron.

These issues are **"Actual Innocence"** issues, and others which were preserved for appeal. However, Terron was deprived of his direct appeal, of which he has a motion pending now to reinstate his direct appeal. However, despite these issues, Terron is being held falsely imprisoned.

Terron's Emergency Motion for Immediate Release, Double Jeopardy, False Imprisonment, Lack of Trial Court's Jurisdiction to Impose Sentence, is also pending in the S.C. Court of Appeals, which is unlawfully being held in abeyance.

DEMANDS

1. Terron Gerhard Dizzley demands that he is afforded equal protection of laws of which he is entitled to under the Fourteenth Amendment and is immediately released from being held kidnapped/falsely imprisoned, pursuant to the laws stated above which are the same as his case. Moore v. Moore, 376 S.C. 467 (2008), The Equal Protection Clauses of our federal and state constitutions declare that no person shall be denied the equal protection of the laws. U.S. Const. amend. XIV sec. 1; S.C. Const. art. 1, sec. 3. Equal protection requires **"all** persons to be treated alike under like circumstances and conditions, both in privileges conferred and liabilities imposed." GTE Sprint Commc'ns Corp. v. Pub. Serv. Comm'n of South Carolina, 288 S.C. 174 (1986).

2. Terron Gerhard Dizzley demands that he is afforded substantial and procedural due process, and equal protection of laws, of which he is entitled to under the Fourteenth Amendment, by scheduling an emergency (fair) hearing within 24 hours of the courts receiving this petition, as required under such circumstances when a person shows that he/she has been arbitrarily and capriciously deprived of life, liberty, or property. Moore v. Moore, 376 S.C. 467 (2008), " Emergency hearing within 24 hours of Petition for protection from abuse order did not violate procedural due process. Procedural due process requirements are not technical, No particular form of procedure is necessary. In re Vori, 354 S. C. 595 (2003). Due process is flexible and calls for such procedural protection as a particular situation calls for. (quoting Morrissey v Brewer, 408 U. S. 471, 481 (1972). "No person shall be deprived of life, liberty, or property without due process of law. U.S. Const. amend. XIV, sec. 1; S.C. Const. art.1, sec. 3. "In order to prove a denial of substantial due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law." Sloan v. S.C Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 483, (2006); see Mathews v. Eldridge, 424 U.S. 319, 332 (1976) (recognizing that before due process guarantees are implicated, there must be a deprivation by the government of constitutionally protected interest). Procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence, and (4) the right to confront and cross-examine witnesses." Channel Outdoor v. City of Myrtle Beach, 372 S.C. 230, 235 (2007).

3. Terron Gerhard Dizzley demands that he is afforded equal protection of laws of which he is entitled to under the Fourteenth Amendment by reinstating his direct appeal, and he also afforded a new PCR hearing of which he was also deprived of unlawfully.

Date: June 23, 2023

Respectfully submitted,

S, Terron Dizzley

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

IN THE SOUTH CAROLINA COURT OF APPEALS

Notice

I, Terron Dizzley, on this 23 day of June, 2023, sent The S. C. Court of Appeals a one copy of Emergency Hunger Strike for Immediate Release Kidnapping/ False Imprisoned Free Terron Gerhard Dizzley, I Am Not a Slave by placing ins U. S. Mail. Postage prepaid. Sent to address below.

This petition must be filed within 24 hours receipt of it. See: S. C. Code ₴ 20-4-50 Moore v. Moore, 376 S.C. 467 (2008), " Emergency hearing within 24 hours of Petition for protection from abuse order did not violate procedural due process. Procedural due process requirements are not technical, No particular form of procedure is necessary. In re Vori, 354 S. C. 595 (2003). Due process is flexible and calls for such procedural protection as a particular situation calls for. (quoting Morrissey v Brewer, 408 U. S. 471, 481 (1972).

Terron Dizzley

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

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

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

IN THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED

JUN 26 2023

SC Court of Appeals

NOTICE

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

Dear Honorable Clerk Kitchings:

Enclosed, please find one original and one copy of Emergency Hunger Strike for Immediate Release Kidnapping/ False Imprisoned Free Terron Gerhard Dizzley, I Am Not a Slave. Stamp filed. Please send copy back to me.

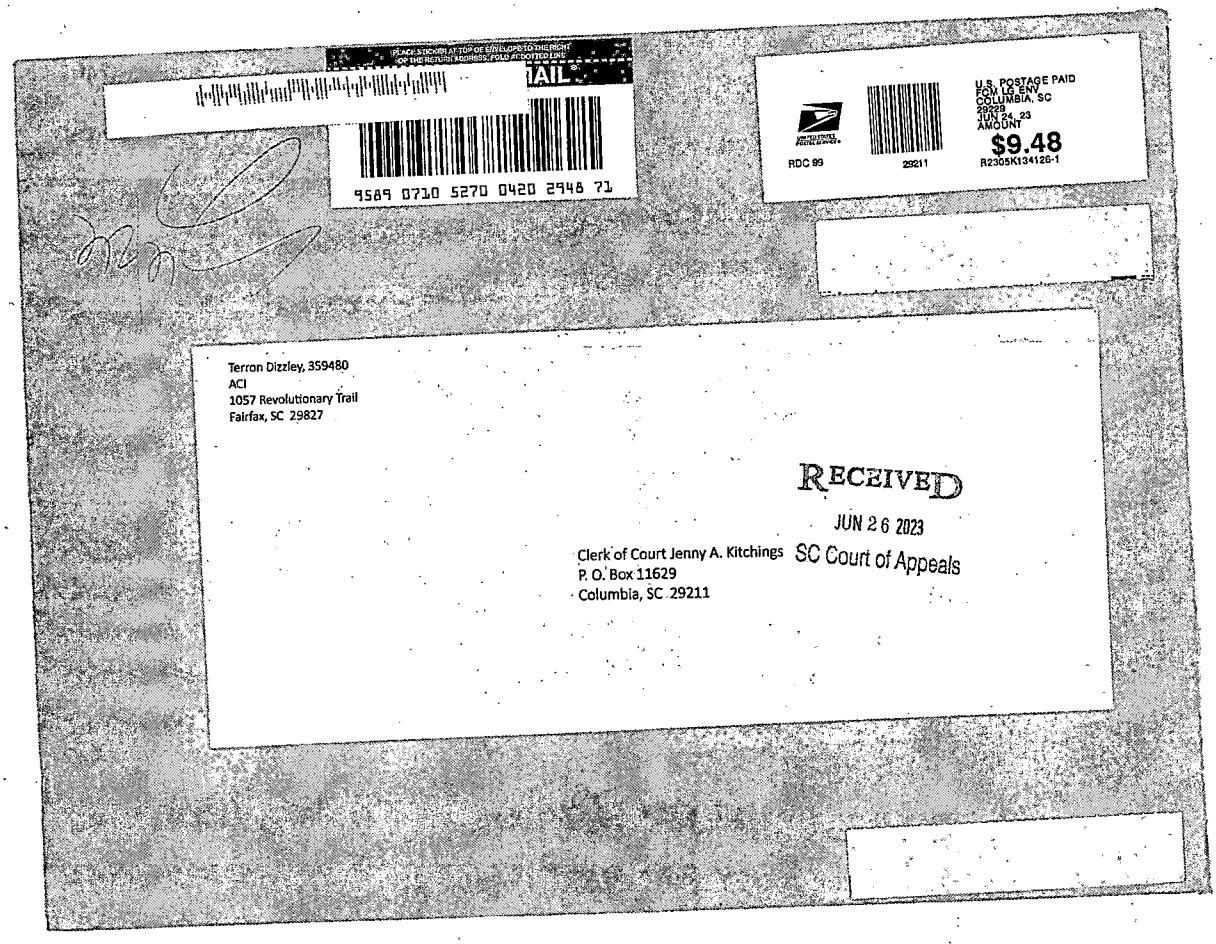
This petition must be filed within 24 hours receipt of it. See: S. C. Code ₴ 20-4-50 Moore v. Moore, 376 S.C. 467 (2008), " Emergency hearing within 24 hours of Petition for protection from abuse order did not violate procedural due process. Procedural due process requirements are not technical, No particular form of procedure is necessary. In re Vori, 354 S. C. 595 (2003). Due process is flexible and calls for such procedural protection as a particular situation calls for. (quoting Morrissey v Brewer, 408 U. S. 471, 481 (1972).

Date: June 23, 2023

Sincerely,

Terron Dizzley

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