

The South Carolina Court of Appeals

The State, Respondent,

v.

Diana Biernaski Jordan, Appellant.

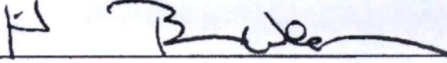
Appellate Case No. 2023-000090

RECEIVED
JUN 28 2023
S.C. SUPREME COURT

ORDER

Appellant's pro se "motion to overturn conviction and remand to the municipal court for preliminary hearing based on newly discovered evidence" is denied. The merits of this appeal will be decided following final briefing. Appellant's pro se "motion for ruling by default" is also denied. Rule 55 of the South Carolina Rules of Civil Procedure is not available at the appellate courts. Appellant's request to hold the deadline for ordering the transcript in abeyance until this court rules upon the aforementioned motions is granted. Appellant shall serve and file proof of ordering the transcript within ten days of the date of this order.

Because Appellant is now represented by counsel, no further pro se filings by Appellant will be considered by this court. *See Jones v. State*, 348 S.C. 13, 14, 558 S.E.2d 517, 517 (2002) ("There is no constitutional right to hybrid representation either at trial or on appeal.").



FOR THE COURT C.J.

Columbia, South Carolina

cc:

Diana Biernaski Jordan

William M. Blich, Jr., Esquire

FILED
Jun 21 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

The Honorable Robert E. Hood

STATE OF SOUTH CAROLINA,

Respondent,

V.

DIANA BIERNASKI JORDAN,

Appellant.

Appellate Case No. 2023-000090

MOTION TO BE RELIEVED
AS COUNSEL

The undersigned counsel respectfully moves this Court to relieve the Division of Appellate Defense, Commission of Indigent Defense, as counsel for Appellant Diana Biernaski Jordan in her pending appeal before this Court. Counsel would show this Court that:

1. Appellant was indicted at the April 8, 2015 term of the Richland County Grand Jurors for four counts of Making a False Statement or Misrepresentation and four counts of forgery, value less than ten thousand dollars.

2. Appellant, pro se, was tried before the Honorable Robert E. Hood, and a jury from January 9-11, 2023. She was convicted and sentenced by Judge Hood to concurrent terms of five years imprisonment, suspended on one year of imprisonment, and five-years' probation.

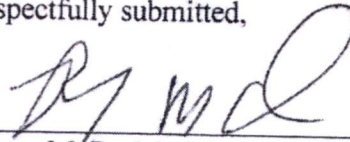
3. Appellant filed a pro-se notice of intent to appeal with this Court.

4. The Division of Appellate Defense then screened Appellant for indigency. After reviewing an affidavit of indigency, and two supplemental affidavits of indigency, this office notified appellant and this Court on June 9, 2023 that Appellant qualified for representation by our office.

5. However, on June 18, 2023, our office received an email from Appellant Jordan stating she wished to "remain pro-se."

WHEREFORE, undersigned counsel respectfully requests that this Court relieve the Division of Appellate Defense as counsel for Appellant Diana Biernaski Jordan. Counsel also requests that all timelines be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant

This 22nd day of June, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

The State

Respondent

v

Diana Jordan

Pro Se Appellant

Appellate Case No. 2023-000090

MOTION TO OVERTURN CONVICTION AND
REMAND TO MUNICIPAL COURT FOR
PRELIMINARY HEARING BASED ON NEWLY
DISCOVERED EVIDENCE AND PETITION
FOR HEARING EN BANC

Pursuant to Rule 340 of the South Carolina Appellate Court Rules (SCACR), the undersigned pro se appellant requests the South Carolina Court of Appeals (SCCOA) overturn her convictions and remand the cases to municipal court for Preliminary Hearing based on newly discovered evidence.

In accordance with Rule 340(c)(3), SCACR, Appellant submits the following documents to support this Petition: 1) Procedure and requirements for obtaining a Marriage License, Lexington

County, South Carolina (SC) 2) Marriage license number 06-1733 Jennifer Anne Miskewicz and MICHAEL Alan McCrory Wilson 3) BLM Photography family portrait showing the SC Attorney General (AG), wife Jennifer and son Michael 4) Three Preliminary Hearing notices.

The procedural history of Appellant's case is as follows. Appellant was arrested and requested a Preliminary Hearing on 12/11/14. Preliminary Hearings were scheduled for 1/30/15, 3/30/15 and 4/10/15 but were postponed twice due to prosecution conflict and the third time due to indictment 4/8/15 more than ninety days after arrest. The indictments previously submitted to the SCCOA, 1/31/13 Exhibit #1 were all signed Alan Wilson, all eight are FORGED documents submitted to a state agency because the current SC AG's legal name is MICHAEL Alan McCrory Wilson NOT Alan Wilson. The indictment is a legal document transferring jurisdiction over a case from municipal court to general sessions court and MUST contain the legally authorized signature or the documents constitute federal civil rights violations against Appellant, MICHAEL Alan McCrory Wilson has been SC's AG since 2011 meaning if federal authorities were to prosecute him for civil rights violations, the SCCOA might be overwhelmed with cases based on newly discovered evidence and the costs to the

state for overturned convictions could be in the billions of dollars.

The SCCOA Chief Justice H. Bruce Williams and Justice D. Garrison Hill both use their preferred middle names but for legal purposes include their first initial. In the absence of LEGALLY signed indictments, General Sessions Court did NOT have jurisdiction therefore the convictions must be OVERTURNED.

To ensure municipal court has jurisdiction for the requested Preliminary Hearing and to ensure Appellant receives justice, undersigned respectfully requests this court overturn her convictions and remand this case to Municipal Court for Preliminary Hearing.

Wherefore the undersigned Appellant requests an order overturning her convictions and remand the case to Municipal Court for Preliminary Hearing.

Date 4/7/23

Diana A. Jordan
Diana B. Jordan
104 Woodglen Lane
Chapin, SC 29036

CERTIFICATE OF SERVICE

Mail: Benjamin T. Cook /SCDEW Email: BCook@dew.sc.gov
P.O. Box 8597
Columbia, SC 29307

[Home](#) » [Departments](#) » [Probate Court](#) » Marriage Licenses

MARRIAGE LICENSES

Procedure And Requirements For Obtaining A Marriage License

[Certified Marriage License Request Form](#)

[FAQ's](#)

Marriage license application may be applied for in person or by mail. If you would like to apply by mail please use the link below.

- [Marriage License Application](#)

If you would like to apply in person, marriage license applications are taken MONDAY through FRIDAY between the hours of 8:00 am to 4:30 pm. Both the bride and groom applicants must appear in the Probate Court to obtain a marriage license, along with the following:

1) Identification that includes proof of age by presenting one of the following:

- Driver's License
- Passport
- Military ID
- State issued ID card;

AND

2) Social Security Card, or another legal document that verifies name and social security number such as an insurance card or tax records (W-2, 1099).

Applicants who are non-U.S. citizens can meet this requirement by presenting a valid passport with current visa, a U.S. government issued Resident Alien card, or other suitable identification issued by the U.S. Department of Homeland Security. Foreign Consular ID

ina y of Lexington

*****Disclaimer*****

Marriage License information filed from 1986 through the present is available with this on-line search. Marriage license information prior to 1986 is available in the marriage license indexes located at:

https://www.lex-co.com/Departments/probatecourt/Index_000.html

Additional information and copies are available in the Lexington County Probate Court located at 205 E. Main St., Suite 134, Lexington, South Carolina.

*****End Disclaimer*****

Search Criteria

To search for a license, please enter the first and last name of either applicant:

First Name	Last Name
<input type="text" value="jennifer"/>	<input type="text" value="miskewicz"/>
<input type="button" value="Submit"/>	

Applicant 1	Applicant 2	Issue Date	Marria
MISKEWICZ, JENNIFER ANNE	WILSON, MICHAEL ALAN MCCRORY	09-22-2006	09-30



Alan, son of **U.S. Rep. Joe Wilson**, was then serving as an Army National Guard intelligence officer in Iraq. When he returned and they married, I was fortunate enough to be their wedding photographer and document their day. It's still one of my most favorite weddings I've photographed and can be seen under galleries at my [website](#).

So, having witnessed the beginning of their life together, I felt especially blessed to photograph them and their son Michael as they enter this new stage of life.

We gathered at the West Columbia Riverwalk, part of the **Three Rivers Greenway** project, where the beauty of the natural surroundings offered a variety of eye-catching backdrops.



Jennifer and Alan both have a keen photographic presence and do so well in front of the camera, but let me tell you, baby Michael stole the show. That kid is the cutest thing around! He was so happy and content the entire time, not a peep out of him, probably because he was so mesmerized by the river. We finally had to move from our original location right next to the water because he was so fascinated with it, he couldn't take his

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Search



**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

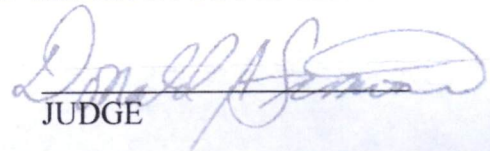
Diana Jordan

SUMMARY COURT SUMMONS

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **January 30, 2015** at **8:45 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Biernaski Jordan**, Warrant/Ticket Number **2014A4010500281**, False Statement/
- 204 4 counts
Misrepresentation. **PLEASE TAKE NOTE OF COURT TIME.**

IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.

HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.


JUDGE

**Richland COUNTY Preliminary Hearing Court
1400 Huger Street
Post Office Box 192
Columbia, SC 29201
Phone (803) 576-2313 or (803) 576-1327
Fax (803) 576-2326**

January 16, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

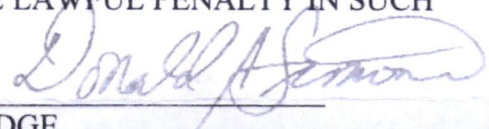
Diana Jordan

SUMMARY COURT SUMMONS

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **March 20, 2015** at **8:45 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Biernaski Jordan**, Warrant/Ticket Number **2014A4010500281**, False Statement/
Misrepresentation. PLEASE TAKE NOTE OF COURT TIME. - 204 4 counts

IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.

HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.


JUDGE

Richland COUNTY Preliminary Hearing Court
1400 Huger Street
Post Office Box 192
Columbia, SC 29201
Phone (803) 576-2313 or (803) 576-1327
Fax (803) 576-2326

March 5, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Diana Jordan

SUMMARY COURT SUMMONS

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **April 10, 2015 at 10:00 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Biernaski Jordan**, Warrant/Ticket Number **2014A4010500281**, Insurance / False statement, misrep., or assisting, abetting, soliciting, or conspiring - 1st offense, \$10,000 or more but less than \$50,000. PLEASE TAKE NOTE OF COURT TIME. *4 counts*

IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.

HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.

JUDGE

Richland COUNTY Preliminary Hearing Court
1400 Huger Street
Post Office Box 192
Columbia, SC 29201
Phone (803) 576-2313 or (803) 576-1327
Fax (803) 576-2326

March 25, 2015

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF Richland)

INDICTMENT

FORGERY
Section 16-13-10(A)

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 27, 2004, and January 1, 2006, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly or willfully act or assist in the false making, forging, or counterfeiting any writing or instrument of writing with the intent to defraud /deceive in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit: Defendant made or caused to be made and filed with DEW false quarterly wage reports on behalf of a fictitious employer, knowing this company did not employ any workers. Defendant then made false statements in claims for unemployment benefits by claiming to be an employee who was terminated without fault thereby fraudulently receiving unemployment benefits in an amount over \$10,000 to which she was not entitled, in violation of Section 16-13-10(A), Code of Laws of South Carolina, 1976, as amended.

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

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF Richland)

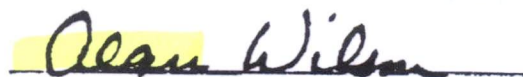
INDICTMENT
FORGERY Section 16-13-10(A)

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 27, 2007, and June 19, 2010, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly or willfully act or assist in the false making forging, or counterfeiting any writing or instrument of writing with the intent to defraud/deceive in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit: Defendant made or caused to be made and filed with DEW false quarterly wage reports on behalf of a fictitious employer, knowing this company did not employ any workers. Defendant then made false statements in claims for unemployment benefits by claiming to be an employee who was terminated without fault thereby fraudulently receiving unemployment benefits in an amount over \$10,000 to which she was; not entitled, in violation of Section 16-13-10(A), Code of Laws of South Carolina, 1976, as amended

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

OFFICE OF THE ATTORNEY GENERAL.



Alan Wilson (TM/HSW)
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF Richland)

**INDICTMENT
MAKING A FALSE STATEMENT OR
MISREPRESENTATION
VIOLATION OF SECTION 38-55-540**

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 27, 2007, and June 19, 2010, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly, with an intent to injure, defraud, or deceive, make and/or conspire to make a false statement or misrepresentation and/or assisted, abetted, solicited another to do so in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit:

Defendant knowingly prepared and/or caused to be prepared false and fraudulent wage and contribution reports/returns for businesses or in the names of businesses claiming materially false amounts related to wages paid to employees for tax years 2007, 2008, 2009, and 2010 which reports/returns were filed with DEW and which falsely claimed wages paid thereby purporting to qualify those employees unemployment benefits to which they were not entitled.

It was further part of the scheme that defendant knew that the companies for which she was manufacturing fraudulent report/returns were fictitious and that these companies did not, in fact, employ any employees or pay wages. As a result defendant fraudulently received/conspired with others to receive unemployment benefits in an amount over \$10,000 to which he/she/they were not entitled, in violation of Section 38-55-540(A)(3), Code of Laws of South Carolina, 1976, as amended.

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

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)
ATTORNEY GENERAL

