

Jul 28 2023

July 19, 2023

S.C. SUPREME COURT

Mr. Gerald Edwards #173780
petitioner,

v.

State Of South Carolina
respondent.Notice of
Appeal Pursuant to
Rule 59 (b)

This matter is being brought before this Honorable Court based upon meritable Procedural Law that requires full Judicial Review, in the total interest of Justice. The Petitioner further intends that the Constitutional Violations were overlooked and the Prejudice is obvious. On Feb 9, 2015 the petitioner was allowed to proceed Pro Se during his trial despite having appointed Counsel on Record, and NOT present during trial. The trial Judge did err in allowing petitioner to proceed Pro Se after petitioner asked for Counsel, knowing that petitioner had no formal training in Criminal Justice, other than what he saw on t.v. moreover, the trial Judge (Honorable Markley Dennis) witnessed this serious handicap that was placed upon petitioner as Counsel of Record Abandoned petitioner at trial, and allowed this miscarriage of Justice to take place. At the bare minimum trial Judge should've stop trial or ordered petitioner to take a competency test, Especially since petitioners Liberty Interest (Freedom) was at stake. The ineffectiveness of Counsel (Ms. Hansotia, Shirene) was clear when she abandoned petitioner and allowed petitioner to move forward on his own, when in fact, there was no order relieving counsel which meant she was clearly still his Counsel of Record during trial, therefore, petitioner relies upon Fuller v. U.S. 404 U.S. 1037, 92 S. Ct. 710, 30 L. Ed. 728. in that the Order of Dismissal not be made final until (petitioner) can present his objection to the South Carolina Supreme Court.

Petitioner would also like to point out that the Order of Dismissal was signed on May 14, 2021 and petitioner didn't receive this order until July 5, 2023 through acts of Due Diligence. The two year gap is a clear violation of S.C.R. Civ. Procedure 15 and Rule 71.1(a)(9). Whereas, petitioner was entitled to an evidentiary hearing on the issue at hand, as to whether or not he knowingly and intelligently waived his right to counsel at trial and in the Appellate proceedings. The lower court also erred by not notifying petitioner to Amend or withdraw his motion in order to preserve his claims he could file in motion to vacate, see *Castro v. U.S.* 540 U.S. As this two year period of petitioner being unknowledgeable of any Order to Dismiss his claim does suggest that petitioner is entitled to some form of Judicial Review. See *Perez v. Wainwright* 594 F.2d (5th Cir 1979), *Civiter v. Sullivan* 446 U.S. 335 (1980). Based upon these facts, the petitioner requests permission to perfect his rebuttal to the enclosed Order.

S.C. Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

Respectfully Submitted, Mr. Gerald Edwards
Mr. Gerald Edwards

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July 19, 2023

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