

IN THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED

AUG 16 2023

SC Court of Appeals

Gerald Edwards, #173780,
Petitioner,

"MOTION TO VACATE JUDGMENT"
SC R. Civ. P. Rule 60(b)

V.

State of South Carolina,
Respondent. /

MOTION TO APPEAL ORDER PURSUANT TO RULE 221(a)

This matter has been two years in waiting concerning case No. 2021-CP-10-2522. Only through acts of Due Diligance Petitioner was able to find out that an Order of Dismissal was signed on May 14, 2021. My family member wen online inquiring about my case only to find out that it was dismissed.


After this discovery, I immediately wrote the Charleston County Clerk of Court and was sent a copy of the Order, on July 5, 2023. Therefore, I move before this Honorable Court after weaving through an entanglement of corrections and misdirections. In addition, I have been without counsel since my attorney abandoned me prior to trial despite being my attorney of record during trial.

The presiding judge denied me the opportunity to exercise my Sixth Amendment Right to representation despite my request for counsel at trial. I had no choice but to proceed and represent myself. The enclosed Order of Dismissal should not stand based upon the aforesaid facts and the set of facts as followed:

- 1). My appointed counsel abandoned me while I, a layman of the law tried to navigate the legal complexities without the resources to obtain a private investigator to investigate the particular aspects of my case, such as police reports, witnesses and the alleged weapon that was involved at trial to prejudice my case.
- 2). The said weapon was never tested for fingerprints or DNA despite my plea to do so.
- 3). There was never a crime committed.
- 4). Videos that could prove my innocence was omitted or erased by the "alleged victim" which prejudice the petitioner, and was a conflict of interest.
- 5). The Order of Dismissal wa signed on May 14, 2021.
- 6). The Petitioner received an unsigned order on May 23, 2022, giving Petitioner 20 days to respond, in which Petitioner did file with the Charleston County Clerk of Court. (see attached)
- 7). Petitioner finally received a signed copy of order on July 5, 2023, two years after being signed and told he had 10 days to reply.

Based upon the facts and mentable arguments, it is clear that this Petitioner has been denied full Judicial review in the sole interest of Justice. Wherefore, Petitioner requests that he be granted his appeal rights. Or, in the alternative, "treat or recharacterize" this intent as a Rule 60(b) motion to vacate the prior May 14, 2021 order. As "it was never served upon the Petitioner to have afforded Due Process, whereas Petitioner could have mounted a successful 59(e), under the sames rules of civil procedure".

With Praying Hands, Respectfully Submitted,

/s/ 
Gerald Edwards, #173780
Kershaw Correc. Inst. PA-61
4848 Goldmine Hwy.
Kershaw, S.C. 29067

CERTIFICATE OF SERVICE

I hereby attest that I did forward a true and correct copy of said motion in the hand of Kershaw Correctional Institution's mail staff on the 14th day of August 2023, with adequate postage attached thereto, to the following parties:

cc: South Carolina Court of Appeals
1220 Senate Street
Columbia, S.C. 29201


Office of the Attorney General
Post Office Box 11549
Columbia, S.C. 29211

RECEIVED

AUG 16 2023

SC Court of Appeals

Date: Aug. 14, 2023

/s/ 
Gerald Edwards, #173780

Mr. Gerald Edwards # 115140
4848 Goldmine Hwy
Kershaw, South Carolina 29051

RECEIVED

AUG 16 2023

SC Court of Appeals

RECEIVED

AUG 14 2023

KERSHAW CI
MAIL ROOM

South Carolina Court
of Appeals Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

FOR LEGAL USE ONLY