STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

AUG 28 2023

SC Court of Appeals

Appeal from Beaufort County

Honorable Robert J. Bonds, Presiding

THE STATE.....RESPONDENT

"VS"

CODRIAN D. SMALLS.....APPELLANT

CASE NO: 2022-000709

PRO.SE. BRIEF OF APPELLANT

Mr.Codrian D. Smalls,#386493
Kershaw C.I. Rm. PB-04
4848 Goldmine Hwy.
Kershaw S.C. 29067

[ARGUMENTS]

I

BECAUSE APPELLANT"S INDICTMENTS ARE NOT TIME-STAMPED FILED BY THE CLERK OF COURT, THE CIRCUIT COURTNEVER AQUIRED GENERAL JURISDICTION.

Secundum Regulam, all indictments in the state of South Carolina must be [f]iled time-stamped filed with the clerk of court [b]efore the indictement is presented to the Grand Jury (see rule 3(c) SCRrimP).
Appellent's has five indictments sub judice, and shockingly, none of the notice documents are filed with the clerk of court.
Some may quibble that this is a deminimus irrelevant error, however in my opinion, it is a significant violation that requires a dire judicial penalty for several reasons to wit:

[A] FILING THE INDICTMENT IS A BASIC JUDICIAL DUTY FOR A PROSECUTOR
As a starting premise, rule 3(c) SCRcrimP states in relevant part:
"THE SOLICITOR SHALL TAKE ACTION ON THE WARRANT BY (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the clerk of court, assigned a criminal case number, and presented to the grand jury."
Nobody can refute that filing an indictment is a basic judicial duty of a prosecutor as an officer of the court.
There can be no blinking the fact, that the prosecutor in this case failed to perform the most important requirement of criminal procedure, which is file the indictment with the clerk of court to make the notice the official document of the court.
So that nobody misses the point, the only way any motion, order, indictment, ect, becomes a official document of the court, it must go through the clerk of court's office and it must be filed, if not it is not a document of the court.
Reality in this matter is harsh, and it's this, If the indictment is not filed with the clerk of court, it is preter legal, moreover non juridicus, with no legal effect, force or power.
[B] THE S.C. SUPREME COURT REQUIRES THAT INDICTMENTS BE FILED WITH THE CLERK.
Undebatable, by order of the S.C. Supreme Court all indictments must be filed with clerk of court. (See court order attached).
Because this order exist, there is no dispute that the violation here is significant. Importantly, this order is [m]andatory, not discretionatary, because it is issued pursuant to Art. I § 23 of the S.C. Constitution.

[C] THE GRAND JURY WAS NEVER SUPPOSE TO ENTERTAIN THE INDICTMENT'S

The law is a profession of word's spoken and written, and word's in there proper order are the raw material of law.

Under this foundation, the word [p]rocedure is defined as-"a particular way of doing something; a series of steps followed in a regular order.

The point here is the prosecutor did not adhere to the procedure put in place to aquire a valid indictment to embrace the S.C. Const. Art. I § 11. The indictment were to be time-stamped filied before the grand jury excepted them.

[D] SEVERAL COURTS HAVE HELD THAT THE FAILURE TO FILE AN INDICTMENT WITH THE CLERK OF COURT IS A JURISDICTINAL DEFECT.

In U.S. "vs" Hill,210 F.3d. 881 (8th Cir. 2000), the court stated;

"The filing of a valid indictment is a prerequisite to the courts jurisdiction

In Sharp "vs" Johnson,107 F.3d. at 290 [no.30] (5th Cir.) the court stated:

"Jurisdiction is conferred upon the trial court by [f]iling of an indictment It is the filing of an indictment, [n]ot it's reading which invest the trial court with jurisdciton.

Also see;

Santos "vs" State,834 S.W.2d. 953

Studer "vs" State,799 S.W. 2d.263

State "vs" Walston,136 N.E. 3d. 21

State "vs" Schuler,135 N.E. 3d. 325

People "vs" Fernandez 72 A.D. 3d. 303

ect.

There is a plethora of cases that state the failure to file an indictment is a jurisdictional defect, so my point is clear.

Shockingly, the rule violation in most these cases is guess what ? rule 3(c) violations of criminal procedure.

Being so, Appellants 14th Amendment Right's to the U.S. Const. was violated becuase his procedeurtal due process rights were abrogated in this case.

II

BECAUSE THE GRAND JURY PROCEEDING, AND THE TRIAL ITSELF WAS CONDUCTED CONTRARY TO LEGISLATIVE STATUTORY LAW, THEY BOTH LACKED SUBJECT MATTER JURISDICTION.

This argument is dimorphic, however the legal principle is the same.
This entire argument is anchored in the Legislative law, pursuant to the S.C. Code Ann. § 14-5-800, and federal law as determined by the U.S. Supreme Court.
As a starting premise, the subject matter jurisdciton of the general sessions court is [c]oextensive with the subject matter jurisdiction of the county grand jury, State "vs" McClure,277 S.C. 432,289 S.E. 2d. 158 (S.C. 1982) State "vs" Funderburk,259 S.C. 256,191 S.E. 2d. 520 (S.C. 1972)
Being legally true, the diction of the S.C. Code Ann. § 14-5-800 applies to the trial court, and the grand jury, and the law is, to wit;

"THE COURTS OF GENERAL SESSIONS FOR BEAUFORT COUNTY SHALL BE HELD AT BEAUFORT ON THE FIRST MONDAY IN MARCH FOR ONE WEEK, ON THE THIRD MONDAY IN JUNEAND CONTINUING UNTIL THE SATURDAY BEFORE THE SECOND MONDAY IN JULY AND THE THIRD MONDAY IN NOVEMBER FOR ONE WEEK.
In view of this, I must point out that the Grand Jury conviened and true billed Appellants indictments on September 10th, 2020 amd October 7th 2021.
What is more, Appellants criminal trial was in effect on November 8th 2021.
The nexus in this matter, is all these proceedings were conducted contrary to the command of the state Legislature.
Put another way, it is unarguable that the grand jury proceedings and the trial were held [m]alum [p]rohibitum.
I must emphasize the point that there is an exception to the requirements of the S.C. Code Ann. § 14-5-800 which is outlined in the S.C. Code Ann. § 14-5-910. The law is that that there must be a [p]etition filed in the county clerks of court office, and in the S.C. Supreme Court.
There is no such petition in this case.
Being so the violation is complete.
In U.S. "vs" Cotton, 535 U.S. 625,122 S.CT. 1781 (2002) the court made it clear that subject matter jurisdcition is a courts statutory or Constitutional power to adjudicate a case. The grand jury and the court did not have statutory or Constitutional power to adjudicate anything in this case.
There is a plethera of violations that took place in this case, to wit, S.C. Code Ann. § 14-5-800, § 14-5-910, § 14-9-210, and the § 14-9-170.
Appellant's 14th Amendment rights were violated in this case, and by federal law as determined by the U.S. Supreme Court, the grand jury and the trial court lacked subject matter jurisdiction, and the judicial pronouncement against Appellant is void.

III

BECAUSE APPELLANTS INDICTMENT FOR ARMED ROBBERY FAILIED TO CHARGE THAT APPELLANT COMMITTED A CRIME, THE COURT LACKED SUBJECT MATTER JURISDICTION.

It is both fundamental and obvious, that an indictment for armend robbery [m]ust allege that Appellant willfully or feneously took something from the complaining witness with a deadly weapon.
In this case the notice document does not inform Appellant as to what he hed to face at trial. Even more to the point, it does not state that Appellant took anything from the complaining witness.
Being so, the indictment fail to charge an offense for criminal culpability against Appellant.
Being so, Appellant's 6th and 14th Amendment rights to the U.S. Const. was violated, because he was never advised of the crime against him to prepare a defense.

IV

BECAUSE THERE WAS LANGUAGE IN THE BODY OF THE INDICTMENT FOR POSSESSION OF A WEAPON DURING THE COMMISION OF A VIOLENT CRIME, THAT APPELLANT WAS CONVICTED OF COMMITTING OR ATTEMPTING TO COMMIT A VIOLENT CRIME, AND APPELLANT WAS NEVER CONVICTED OF SUCH CRIMES, IT WAS ERROR BY THE TRIAL COURT JUDGE NOT TO SQUASH THE INDICTMENT.

Defense counsel made a motion to the court to squash the indictment number 2019-GS-07-01733, ROA.PG.128 L.5-20.
Counsels motion was predicated on the most important principle in American law, to wit, "A PERSON IS INNOCENT UNTIL PROVEN GUILTY IN A COURT OF LAW.
The thrust of this argument is the indictment stated;
"APPELLANT WAS CONVICTED OF COMMITTING OR ATTEMPTING TO COMMIT A VIOLENT CRIME AS DEFINED IN SECTION 16-1-60 ALL IN VIOLATION OF SECTION 16-23-490'.
Plainly put, this was a factual inacurracy, because Appellant was never convicted of such crimes in a court of law.
It was prejudictial error for the trial court judge to tell the jury that he did these crimes.
Appellants 14th Amendment Rights to the U.S. Constitution was violated in this matter.

IV

BECAUSE THE JURY SELECTION PROCESS WAS UNFAIR TO AFRICAN AMERICANS, IT WAS ERROR BY THE TRIAL COURT TO ALLOW APPELLANT TO BE TRUED BEFORE A UNCONSTITUTIONAL JURY PANEL.

Defense counsel made a motion pertaining to the jury selection process, ROA.PG. 146 L.14-25 through 151 L.1-13.
The gist of the motion was there was 96 jurors in the jury pool, but only 11 of them were Black.Counsel pointed out that this was not an isolated incidnet, because the state had a habit, practice routine of doing this ROA.PG. 148 L.4-23.
Under Duren "vs" Missouri,439 U.S.357,99 S.CT. 664 (1979); and State "vs" Randal,387 S.C. 449, 692 S.E. 2d. 554 this was a violation and Constitutional impermissible.
By federal law as determined by the U.S. Suprme Court this was a [s]tructual defect, and the entire trial is void,
Johnson "vs" U.S.,520 U.S. 461,117 S.CT. 1544 (1997), citing Vasquez "vs" Hillery,474 U.S. 254,106 S.CT. 617 (1986).
Appellants procedural due process rights equal protection of the laws and fundamental fairness rights were violated in this matter.

VI

BECAUSE THE IDENTIFICATION OF APPELLANT IS A WAR WITH NEIL VS BIGGERS it WAS ERROR BY THE COURT NOT TO SUPPRESS HIS IDENTIFIACTION.

Defense counsel made a moton to suppress the identification of the Appellant for several reasons to wit.
First, the complaining witness was under the influence of narcatics, ROA. PG. ROA. PG. 13-21.
Undebatable, the very definition of narcatic informs us that narcatic drugs dulls the senses. Being true, it is accurate to say that the person who identified the Appellant had dull senses.
The word dull is defined as -mentally slow, [s]tupid; slow in perception or sensibility, slow in action, ect.. Likewsise, when you apply the definition of dull to the facts in this case, Appellant was identified by a 73 old complaining witness, who was mentally slow, stupid, with slow senses and perception.
The hospital did not test the complaining witnesses blood which undercut

Standing alone, Appellant has the right to confront the witnesses against him, (6th Amend. S.C. Const. Art. I § 14)

The persons involved in the process of the identification of Appellant are; Jennifer Snider ROA PG. 161 L.6-7; Elayne Scott ROA.PG. 165 L.3; The intel Division whoever these person[s] are ROA PG. 168 L. 5; Cedric Fields ROA. PG. 173 L.7 ; Ronnie Coaxum ROA PG. 173 L.9; other investigators ROA. PG. 173 L. 18; and investigator Duhamel ROA. PG. 175 L.15.

Given this reality, the constitutional flaw is glarring because "**NOBODY FROM THE INTEL DIVISION TESTIFIED, RONNIE COAXUM AND INV. DUHAMEL ALSO DIDN'T TESTIFY, AND THESE OTHER INVESTIGATORS DIDN'T EVEN SHOW UP.**

So reality is this , there was at least 7 persons involved in the identification process, but only 3 of them testified at trial, and that is a concrete fact, to wit, Jennifer Snider, Elayne Scott, and Cedric fields. Acknowledging this undenialbe brutal fact, it is accurate to say that under Rule 801(b) and 802 SCRE Appellants identification was predicated from impermissible hearsay.

[A]xiomatic and elementary, a identification under Neil cannot stand with at least 4 or more confrontation violations.

Illistrated by the fact's the conclusion that Appellant was legally identified as the culprit in this case is unsupported by the record, and clearly erroneous, and this process surely offends Due process of the law under tthe 14th Amendment.

The complaining witness stated her attacker weighted between 140 and 150 pounds ROA.PG. 167 L. 10-11. Appellant weight is almost 200 pounds which is recored in county jail records, and SCDC records. this variance here is substancial. what is more. Appellant is not a feather weight, he is a heavy weight, he played defensive end for Beaufort High School, ROA. PG. 480 and he was a wrestling star.

The complaining witness never said her attacker had big well defined musles, and that's how I know Appellant was not her attacker.

The complaining witness was adamant when she described her attacker as being 140 and 150 pounds, no facial hair, complexion of his skin, hair style, shape of his mouth, eyes, and ears, and [a]ll this information was given to law enforcement ROA.PG.167 L.10-22. She also stated that the culprit called himself Jonathan, ROA.PG.164 L.21-22.

However, [n]one, I will say it again, [n]one of these identifying factors were used in this case by law enforcement which is truly shocking.

To be sure, the search engine was only provided with info to search for a black male, in his 20's with an angel wing tatoo that lived in that area ROA.PG. 174 L.2-12.

I think that we all would agree that the omissions in the identification process were [s]ubstantial.

To crystalize this point, in my view, a rational trier of fact would conclude that the search engine was not provided with indispensable identifying factors to compose a valid photo array fundamentally fair to Appellant.

We know as a fact that the complaining witness stated her attacker left her home riding a pink bike, ROA. PG. 171 L.22-25 through 172 L.1-8; ROA.PG. 225 L. 2-25 through 226 L.1-10. It is unbelievable and absolutely ridiculous that a person was caught riding this bike right down the street from the complaining witness home, yes right down the street, ROA. PG. 231 L.3-25 through 232 L.1-8.

It should shock the conscience of this court that law enforcement let this go, predicated on him not having a tatoo on his chest.

It is [n]ot farfetched that this person could have had a washable tatoo on his chest. For clarity for those who don't know, you can buy wash off tattoo ink on line, you can google it, and it comes in all colors.

It is possible that the person who did this crime tricked law enforcement, and laughed at them when they let him go. Law enforcement in my opinion should have held this person, and made sure his face was in the photo array. Right now we don't know if this person looked like the Appellant or not. We are speculating and conjecturing right now.

Law enforcement could have held this person, but fell for the banana in the tail pipe trick. If we can obtain washable tattoo ink and get a tattoo with it, and commit a crime, knowing that is would be conveyed to law enforcement, and wash it off before the law catches up with you, we are looking at the perfect crime. Can this really be true ? Yes, the just did it FULL THROTTLE SALOON, CHANNEL 36-4.

It is absolutely crazy that law enforcement let this man go before the complaining witness saw him, tattoo or not.

The complaining witness also stated her attacker had no facial hair, ROA PG. 164 L.13-14., This was a hypersensitive identifying factor in this case.

The reason being is that Appellant in the photo line-up has facial hair, which was recognized by the court, ROA.PG.179 L.5-12.

The net effect is that the prosecution was using a photograph of Appellant that was [n]ot in the indentifying calculus, or matrix in this case which is impermissible, and to make this violating explode, is that nobody else in the line up had facial hair, which demonstrates that the line up cannot overcome a searing judicial scrutiny.

To crystalize this point, because Appellant had facial hair, his picture never should have been in the line-up. The search engine would never have

never should have been in the line-up. the search engine would never have selected Appellants picture if no facial hair was was put in as a identifying factor.

She also said she thought she saw Appellant standing beside the road, ROA.PG.170 L.24-25, but it was not him. This demonstrates that she was not 100% sure who her attacker was.

PLEASE TAKE JUDICIAL NOTICE: There are six (6) photographs in the line-up. The [s]tate avers that [a]ll the persons in the line-up had angel tattoos on there chest similar to Appellant Well, I'm on the defense, I as well as this court need to see those tattoos to insure fairness. This much is certain, I'm not going to just take the States word for this, I need to see for myself if what the state is saying is true, and can this matter survive scrutiny.

Wings on the chest are common in American society, we all can stipulate to this fact.

Because there is nothing in the discovery, or in the record on appeal about these tattoos on the chest. The photo line up should be suppressed for a BRADY VS MARYLAND violation.

Right now I nor this court have cognition whether the tattoos were big, small or if the persons in the line up had tattoos at all. The critical question here is **WHERE ARE THE TATTOOS FOR FOR JUDICIAL REVIEW ? THERE NOT IN THE RECORD AND THAT'S WERE THEY NEED TO BE, DO YOU AGREE?**

Compelling respect, **"IT IS THE SAME THING NOT TO PROVED AND NOT TO EXIST, (IDEM EST PROBARI; ET NON ESSE). If this court is not provided with the other tattoos for comparison purposes, reality in the law, is that they don't exist, and if they don't exist, this case is over with right now Ex Rigore Juris.**

NOW LET'S ADD THIS UP !

complaing witness under the influence of narcotics, ± no blood test to see what else was in her system ± 4 or more blatant confrontation clause violations, + a substantial variance in the weight of the culprit and Appellant + critical identification factors not put in the search engine, + the man on the pink bike, they let go, + A picture of Appellant with facial hair, and the complaining witness said here attacker had [n]o facial hair + Appellant was the [o]nly person in the line up with facial hair, + the complaining witness identified somebody eles on the side of the road, + the state is hiding the purported chest tattoos from the other persons = **A COMPLETE UTTER SHAM, A FARCE AND MOCKERY OF APPELLANTS 14th AMENDMENT RIGHTS TO FUNDAMENTAL FAIRNESS, EQUAL PROTECTION OF THE LAWS, AND PROCEDURAL DUE PROCESS RIGHT'S.**

Looking at the four corners of this matter, the process identifying Appellant as the culprit was surely unduly, unnecessarily, suggestive.

SIRICKLY SPEAKING, I HAVE NEVER SEEN SUCH MONSTROUS ABSURDITY.

VII

BECAUSE NO RATIONALE TRIER OF FACT WOULD FAIRLY CHARACTERIZE THE EVIDENCE IN THIS CASE AS SUFFICIENT BEYOND A REASONABLE DOUBT OF EVERY ELEMENT OF THE OFFENSES, APPELLANT IS BEING HELD IN CUSTODY IN VIOLATION OF THE CONSTITUTION TO THE UNITED STATES.

The U.S. Supreme Court has made it clear, that if a rationale trier of fact could not fairly characterize the evidence as sufficient beyond a reasonable doubt on every element of the offense, the conviction cannot stand, Jackson "vs" Virginia,443 U.S. 307,99 S.CT. 2781 (1979); also see In Re Winship,397 U.S. 358,90 S.CT. 1068 (1970); Patterson "vs" New York,432 U.S. 197,97 S.CT. 2319 (1977); Clark "vs" Arizona,548 U.S. 735,126 S.CT. 2709 (2006);
To demonstrate to this court that Appellant's conviction is a complete sham, and do not adhere to federal law as determined by the U.S. Supreme Court, let's apply a judicial scrutiny and see if these charges can survive.

[BURGLARY]

To be convicted of burglary, the state must prove that the culprit was in the residence. The record in this case is pellucid, and there was no evidence adduced at trial to demonstrate that Appellant was [i]nside the complaining witnesses home, ROA.PG. 412 L.2.
In State "vs" Mitchell,332 S.C. 619,506 SE.2d. 523 (1998) the accused person for burglary finger print's were found [o]utside of the residence on the window screen. His finger print surely put him at the crime scene. However, because his finger prints were found outside of the residence, the conviction could not stand.
By no stretch of imagination, There is absolutely nó evidence at [a]ll, not a modicum, or scintilla of evidence to place Appellant outside or inside the complaining witness home. ROA. PG. 412 L.2
That's pretty convincing to me that the state did not prove that Appellant was inside the home.

[ARMED ROBBERY]

There was [n]o weapons entered into evidence in this case. The complaining witness stated that the culprit was armed, and he took her gun. So reality is that the state failed on it's burden of production to produce a weapon plain and simple. She also stated the culprit took her money, but there is no money in evidence either. (THE INDICTMENT DON'T SAY APPELLANT TOOK HER MONEY). Reality in this matter is that the state failed to prove the corpus delecti.

[WEAPONS CONVICTION]

What weapon ? Where is it ? This much is certain, "IT'S NOT IN EVIDENCE, NOT EVEN A PICTURE. So again What Weapon ?
It is safe to say that Appellant conviction hinges on a [p]hantom gun, and that's Constitutionally impermissible.

[ATTEMPT CSC]

There was no DNA from Appellant found on the complaining witnesses body, none, ROA. PG. 363 L.19-22. Put another way, the state failed to prove an attempted simple assault nevertheless an attempted sexual assault. There was no physical injuries on the complaining witness, ROA.PG. 233 L.4-6,-340 L.9-13. The DNA was not conclusive, for those who dont know, this in reality means somebody else could have done this crime, for real, ROA. PG. 358 L.1-11.
The evidence adduced at trial was that Appellant penetrated her ROA. PG. 298 L. 4-5, but Appellant was not on trial for CSC 1st degree, so the fatal variance is glaring in this case.
THIS IS WHAT'S REALLY GOING ON, THE STATE CANNOT PROVE AS A FACT THAT APPELLANT EVEN TOUCH THIS LADY, AND HE WAS CONVICTED ON HER WORDS ALONE, AND BECAUSE OF THAT HIS CONVICTION CANNOT STAND.

IX

BECAUSE THE VERDICT SHEETS DO NOT MATCH THE INDICTMENTS NUMBERS, APPELLANT SHOULD BE VINDICATED OF THE CHARGES.

The convictions for poss. of a weapon, armed robbery and burglary should be vacated. These are the indictments that were on the verdict sheets, ROA. PG 472 L.19-25 through 477 L.1-8.
To point out the obvious, in my view, it was highly improper for the state the court and counsel to agree to [c]hange the verdict sheets [a]fter the jury was dismissed. Nothing that is improper is lawful, (NIHIL QUOD EST INCONVENIENS EST LICITUM). Let me be pellucid, the jury had already spoken, and if anything was going to changed, amended or transfigured pertaining to the verdict sheets, that was the province of the jury not the state or the courts and certainly not for Appellants counsel. It is apparent that the clerk of court and the state dropped the ball on this one, and the fumble was recovered by the Appellant.
In any event, the verdict sheets should have been checked before the trial even began.
The error here is [c]atastraphic, and this argument appears to be sui generis. It is axiomatic, moreover basic American jurisprudence, that what the jury does, cannot be undone or changed by the court or by any body else because it is not these other parties province.
ROA.PG. 393 L.20-25 through 394 L.1-25.
Clearly Appellants 14th Amendment rights to the U.S. Constitution were squelched.

X

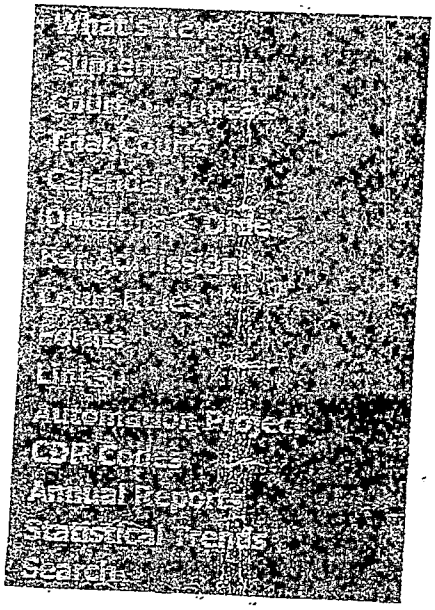
BECAUSE THE 911 CALL WAS NOT AUTHENTICATED, IT WAS ERROR BY THE COURT NOT TO SUPPRESS IT.

The 911 call in this case was never authenticated, and being so Rule 901(6) SCRE was violated. The court impermissibly allowed the phone call to be used at trial. ROA. PG. 219 L. 7-25 through 221 L 1-13.
The person who received the call did not authenticate the recording.
There is nothing else to say here except, Appellants 14th Amendment rights to the U.S. Constitution was violated.

XI

BECAUSE SEVERAL DIFFERENT FACTORS CONTRIBUTED TO THE INDICTMENT FOR CSC IN THE FIRST DEGREE TO BE IMPERMISSIBLY AMENDED TO ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT 1ST DEGREE, THE TRIAL COURT ERRED BY ALLOWING THIS AMENDMENT.

First and foremost, it is paramount for this court to recognize that the first indictment number 2020-GS-07-01502, styled, "indictment for CSC 1st degree was purportedly assigned this number by the grand jury when it true-billed the indictment on September 10th, 2020 ROA.PG.494.
The state abrogated this indictment, and purportedly [a]mended it to [a]ssault with intent to commit crim. sex conduct 1st degree" ROA.PG. 49 L.2-25 through 50 L.1-2.
This amended indictment was purportedly presented to the grand jury and true billed on OCTOBER 7th 2021 ROA.PG. 492.
SCANDALOUSLY, GUESS WHAT ? The amended indictment is also 2020-GS-07-01502, which is the exact same as the first indictment.
Put another way, they are exactly the same, identical.
Undebatable, there are [t]wo different indictment included in the record on [a]ppeal, true billed in [d]ifferent years with the exact same indictment numbers.
Sub judice, this is a factual impossibility, however because this factual impossibility exist, there is a strong presumption of [f]raud.
This is not a scriveners error, this is forgery, misconduct.
If nothing else, This court Knows that a grand jury is not going to issue 2020 indictment number on a notice document for 2021.
The fraud is exposed. Clerk of court records would surely support this
The state is selling that the grand jury issued an indictment a 2020 indictment number in the year 2021, I'm not buying it, Appellant's 14th Amendment right's to the U.S. Constitution was violated do to substantial interference of the indictment process, that polluted the administration of justice in this case.
In my opinion, the amendment was also impermissible because the nature and the cause of the accusation against him changed.



South Carolina Judicial Department

The Supreme Court of South Carolina

RE: Filing Indictments With the Clerk of Court

ORDER

Rule 3(c), SCRCrimP, requires solicitors to file indictments with the Clerk of Court. In some counties, solicitors are retaining the original indictments which have been returned by the grand jury until the proceedings are concluded. This local practice leads to problems and confusion in some cases. Accordingly, effective the date of this order, all original indictments which have been returned by the grand jury shall immediately be filed with the Clerk of Court.

IT IS SO ORDERED

s/Jean H. Toal
Chief Justice Jean H. Toal

Columbia, South Carolina
October 23, 2002

C147

Respectfully submitted

_____

D-12

(117)

The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

IDA R. CARSON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, S. C. 29211
(803) 734-1890

January 18, 2001

Edmund Stanley Adams #265717
Lieber Corr. Inst.
P.O. Box 205
Ridgeville, SC 29472

Re: The State v. Adams, Edmund Stanley

Dear Mr. Adams:

The following Order has been endorsed on your Motion For Assistant of Counsel in the above entitled case on appeal.

"Denied.

s/ M.D. Shuler, J.

January 17, 2001."

The following order has been endorsed on your Motion to Appear Before the Court for the Purpose of Determination of Indigency Status in the above entitled case on appeal.

"Appellant is deemed to be indigent for purposes of appeal and is proceeding Pro Se.

s/M.D. Shuler, J.

January 17, 2001."

The following order has been endorsed on your Motion for Certification by The Supreme Court in the above entitled case on appeal.

" Denied.

s/ M.D. Shuler, J.

(117)

01570 (167)

State of South Carolina
In The Court of Appeals

Appeal From Richland County
James C. Williams, Jr. Circuit Court Judge

Case Nos. 1998-40-34469 to -34471

(00-CA-3503)

The State of South Carolina
Respondent

" V.S. "

Mr. Edmond Stanley Adams III Esq.
Appellant

"Motion For Assistance of Counsel"

The Appellant hereto Captioned, Pro. se on appeal at this Time, would move This Honorable Court For an appointment of Assistance of Counsel on his "First" appeal That is ongoing at This Time. I So Move.

11-9-00
Date

Mr. Edmond Stanley Adams III Esq. Pro.
#265717 Unit F 2 - Rm. 142
McCormick Correctional Inst.
P.O. Box 100
McCormick S.C. 29899

Denied.

11/17/2001

FILED
11-18-01 LKP

(116)

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