

07 November 2023

Hon. Jenny Abbott Kitchens, Clerk
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

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SC Court of Appeals

Dear Ms. Kitchens:

In accordance with your letter, dated 02 Nov. 2023, to my trial counsel, Mr. S. Boyd Young, Esq. and received by me on 07 November 2023, at approximately 12 O'clock Noon, this date, I submit the following "arguable bases" that the following issues are preserved for appeal:

1. The trial judges (Hon. Thomas A. Russo & Hon. Eugene C. Griffith, Jr.) erred and abused their discretion by removing my first two (2) trial counsel, without notice or an opportunity to contest his summary judgment. This was a "structural error" committed by Judge Russo. Judge Russo also summarily denying my indigent status (later granted by Judge Griffith w/o making any findings of fact to support his summary conclusions of law;

Judge Griffith did the same by removing my Pro Bono Publico counsel, Ms. Aimee J. Zmoreczek, Esq. in September of 2020. He

repeated this "structural error" by removing my court-appointed defense counsel, William S. McQuire, Esq., on or about 1 November 2021 again without due notice or any opportunity to contest his removal. In both cases, I and Ms. Zmorczek and Mr. McQuire had established a very close attorney-client relationship which was never established by his replacement, Mr. S. Boyd Young, Esq., whom I never trusted and was very suspicious of his abilities, once he replaced Mr. McQuire.

Both Judges, by committing these severe "structural errors" totally prejudiced all of my due process and equal protection rights under both Federal and State Constitutions!

2. I further allege that Mr. Young and Mr. Scott Graustein, were both so incompetent as to effectively deny me "assistance of counsel" with respect to all issues of proper defense strategy or tactics!

3. During the intervening years between Judge Russo's removal from the bench on or about 15th Jul 2019 and J. Griffith's appointment by C. J. Beatty, in the Summer of 2020, I had no appointed defense attorney, even though the State filed notice to seek the death penalty upon me. My Pro Bono Publico Attorney, Ms. Zmorczek, was notified until after that "hearing," presided over by J. Michael Nettles of the 12th Judicial Circuit! Throughout this hearing, Judge Nettles remained moot as a Solicitor's "pet rock." The entire hearing was "irregular on its face!" Yet, he never intervened on my behalf, but nodded his head repeatedly at every statement uttered by the Solicitor, Mr. E. L. Clements, III! I was aghast at J. Nettles' obsequious behavior!

4, Realizing my virtually "naked" position, I was forced by judicial errors and a breakdown in the entire judicial process

I began to write many "pro se" motions, based upon extensive legal research at Alvin S. Glenn Detention Center in Columbia

I made motions for (1) Discovery, per Rule 5 of Brod v. Maryland; (2) a Speedy trial, per § 17-13-80 ("The Speedy Trial Act");

(3) An "Immunity hearing," per § 16-11-411 et seq. ("P.P.P.A.") and Stato v. Duncan (1998) as well as other equally pertinent motions

J. Griffith never responded to my letters and enclosed motions, until he issued an order in the Spring of 2023, denying all my pro se motions as a product of "hybrid representation," all in violation of Art I, Section 15 or 16 (sic?) of our State Constitution.

recognizes that a defendant in any criminal matter has an absolute right to speak him self, through counsel, or both, contrary to several SC Supreme Court holdings, such as State v. Fair and three(3) others,

5. I discovered, through my legal research the following statutes which apply directly to my case: ① §22-5-780, ② §23-20-10 through 60; and, ③ §24-13-80(B) on the issue of medical co-pays.

During my so-called "Immunity Hearing" on 29 June 2023, in FC GS Court, before Judge Griffith, my defense team refused me the opportunity to testify in my own defense (contrary to Durcon, Scott, any many others), I was

apoplectic and now at that point, I would never be able to re-gain my freedom because they refused to raise these statutes to attack the State's case or effectively cross-examine the State's six (6) witnesses. I was mortified!

§22-5-180 states that "no magistrate shall deputize the swearer of a warrant to serve it in any case!"

The late Inv. F. Turner swore out a search warrant per §17-13-140 Peter F. Becker (former Lt. w/ FCS who merely "rubber stamped" her S/W application, contrary to Illinois v. Leon, Mepp v. Ohio, Wong Son v. United States and Staub v. Hill (SC. 1964), issued a defective warrant, by signing it and giving it to Inv. Turner to execute.

7 -

Inu. Turner's S/W was a nullity and absolutely defective as a matter of law because it utterly failed to provide any indicia of the accuracy or reliability of the information obtained from an anonymous "tipster". This S/W was issued by Magistrate Becker in violation of Stab v. Baccus and other well known similar appellate decisions.

Should the SC Appellate Court agree with me, all evidence gathered by the Stab pursuant to a Defective S/W, all such evidence is inadmissible in any State Court. ~~Therefore no admissible~~

evidence, leads to the State having no case. Similarly, Inu. Jos. A. Clarke, RCSD, who also swore out all arrest warrants, did serve me personally, all in violation of §22-5-184

Also, Both RC and FC Sheriffs executed "Mutual Assistance and Aid" Agreements, not once but twice, well after §22-5-184

Encl. 1



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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November 02, 2023

To:

Mr. S. Boyd Young, Esquire
SCCID - Capital Trial Division
1330 Lady Street, Suite 401
Columbia SC 29201

From:

Re: The State v. Frederick T. Hopkins, Jr.
Appellate Case No. 2023-001677

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal will be dismissed.

Submitted in compliance with paragraph #2, above.

*F. Thomas Hopkins, II
39-2232 (F3A-163A)*

Neither Sheriff ever submitted these illegal agreements to either / or both County Councils for approval. Yet, RCSD personnel freely entered FC, virtually 70+ miles beyond their normal official municipal (county boundaries)

all in violation of SC Statutes, including §17-13-45 regarding "fresh or hot pursuit) and the SC Law Enforcement Mutual Aid and Assistance" Act, §23-20-10, et seq.

8. All evidence was "contaminated" by the presence of RCSD personnel, as was the same for City of Florence Police

Department Personnel, out in the County, beyond the 3-mile statutory limit!

9. To be noted for the record, and for "judicial notice purposes, both former Sheriffs: Kenney Boone & Billy Barnes were later arrested for serious crimes soon after...

Encl. 2.



SCCID

SOUTH CAROLINA COMMISSION FOR INDIGENT DEFENSE

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November 2, 2023

Frederick T. Hopkins, Jr.- SCDC# 00392232
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

Re: The State v. Frederick T. Hopkins, Jr.
Appellate Case No: 2023-001677

Dear Mr. Hopkins:

I enclose a copy of the Rule 203 explanation, along with a copy of the correspondence received from the South Carolina Court of Appeals Clerk.

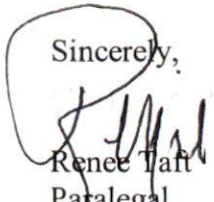
Please note that you have twenty days from the date of this letter to inform the Court in writing of any arguable basis for your appeal.

The Court's address is as follows:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Please let me know if you need anything further.

Sincerely,


Renee Taft
Paralegal
Capital Trial Division

Cc: SC Court of Appeals

NOTES
- CONTINUATION -

18. The Appellant (F. Thomas Hopkins, II) alleges that the Honorable Eugene C. Griffith, Jr., by special appointment of the Chief Justice of the S. C. Supreme Court erred and abused his discretion by conducting at least three (3) separate and distinct motion hearings which involved motions prepared by Appellant's various appointed Office of Indigent Defense and 15th Judicial Circuit Scott Graustein, totaling seventy - five (75) separate written motions relating to "key" case issues: one (1) "Immunity Hearing" (a/k/a "Stand Your Ground") and possibly one (1) previous motion hearing, yet never issued, signed or filed any written order, either granting or denying any formal or oral motion made in court with the court reporter being present. This failure can be attributed to the lack of any comparable Crimp Rule regarding "Orders" similar to Rule 61a,

SCRFC, which mandates that FC Judges execute FC orders within thirty (30) days of any final hearing. This failure drastically impacted the Appellant's due process and equal protection rights to submit a written motion for reconsideration within ten (10) days of receipt of any final order!

(11) The failure of Appellant's counsel to file any motion for reconsideration of sentence was a calculated, gross error by OJD personnel to preach prejudice the Appellant!

(12) Lastly, the Appellant alleges that the State's failure to provide Appellant a speed resolution for wrongs incurred by the Appellant-Defendant violation the S.C. Speedy Trial Act and the corresponding Article I provision applicable to "Speedy remedies."

9 November 2022 ~~at~~ Thomas Huskins, Jr.

Frederick Thomas Hopkins, II (ID# 390000)
Kirkland Reception & Evaluation Center
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Columbia, SC 29210

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S.C. COURT OF APPEALS
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