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IN THE SOUTH CAROLINA SUPREME COURT
IN RE) Jeffcoat vs The State (Appellant No.)
2008-CP-40-2256

STATEMENT OF FACTS

The Statute of Limitations had expired in which to file or amend the pleadings in the indictment. Criminal Law at 577.15 (3) 18 U.S.C.A. 3161 (b). 14th Amendment U.S.C.A. the warrant and indictment was not filed during her detention; 18 U.S.C.A 3162 (a).

The Lower Court deprived the Appellant of Due Process of Law Pursuant to the 14th Amendment U.S.C.A. . . . The Lower Court did not have subject matter jurisdiction over the Appellant to bring judgment against her . . . The Lower Court erred when it prosecuted the Appellant under a new Amended Act without her being brought before a State Grand Jury, to upgrade the level of offense; In conjunction, with her not being officially indicted until 1 year and 4 days later. The State delayed filing the Indictment against the Appellant / Applicant in this case at bar in violation of S.C.R. Crimp. Proc. Pursuant to Pre-Trial matters, Rules 1, 2, 3 see also, 18 U.S.C.A.

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3161(b), Criminal Law at 577.15(3). Fed. Rule C.P.

Rule 5(a) 18 U.S.C.A... The Lower Court erred under Federal Rule C.P. Rule 15(b), when it failed to file a Motion to Amend or Supplement the pleadings of the Indictment, within 180 days.

The Amended Action to the charge was presented during the closing argument of the (Appellant's) bench trial, in violation of the above statutes and State and Federal Law... The Lower Court erred when it failed to dismiss the charge based on Indictment violation... Lower Courts erred when it failed to give culpable instructions on issues of waivering and/or withdrawing P.C.R. claim... Defense attorney erred when she advised and coerced the Applicant to withdraw her P.C.R. and failed to instruct her on Appeal rights.

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IN THE SOUTH CAROLINA SUPREME COURT
In Re)

Tiffany J. Jeffcoat vs. The State of South Carolina

ISSUES RAISED

1- Whether Appellant was denied Due Process of Law on Criminal Domestic Violence Act, under the 14th Amendment, U.S.C.A.; Pursuant to S.C. Code Ann Law, Section 16-25-90. Pursuant to Chapter 13 and 21 of Title 24.

The law defined as saying;.. NOTWITHSTANDING, any other provision of law ^{to} any person who pled guilty or no contend or found guilty of an offense against a household member shall be eligible for parole after serving 1/4 of her time. This law applies to any person guilty of an offense against a household member. This issue should have been raised on DIRECT APPEAL, and on POST CONVICTION RELIEF.

2- Whether P.C.R. Attorney deprived or prejudiced the Appellant's claim where she failed to ask for a modification on the Appellant's sentence. The Appellant was entitled to be sentenced under Criminal Domestic Violence Act.

3- Whether Trial Counsel and P.C.R. Counsel deprived the Appellant of Due Process of Law when they failed to charge the Court on C.D.V. Act in lieu of failing to ask for parole eligibility and/or modification from the original indictment to a lesser included offense instead of the original charge.

IN THE SOUTH CAROLINA SUPREME COURT
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Issues Raised

1- Whether the Lower Court had subject matter jurisdiction over the Appellant when the State failed to file her Indictment during her detention in lieu of the State's failure to file amended action to the original indictment, upgrading the charge (16-3-85(b)(1)); within 120 days, not to exceed 180 days and/or when the State failed to bring the Appellant before the State Grand Jury to dismiss the original indictment in lieu of the State's failure to serve the Appellant with a warrant on that charge; therefore, the Appellant was never officially served with a warrant, nor was the Appellant indicted by the State Grand Jury; until the Appellant entered a plea of guilty at her bench trial and the amended action was brought before the Court by the Solicitor co-signing or collaborated by Defense Attorney to upgrade the charge in violation of the 5th, 6th, 8th, and 14th Amendment and 18 U.S.C.A 3161(B), which was a manifested injustice to the Appellant.

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Table of Authorities

Federal Rule C.P. Rule 15(a)(b)(c)

Federal Rule. C.P Rule 59(e); Criminal Law 577.15

S.C. A.C.P (PCR) Right Rule 71.1(g) S.C. A.C.R.

S.C. Code Ann Law (17-27-45(A)) SUPP. 2000

S.C. Code Ann Law (17-27-150) SUPP. 2001

S.C. Code Ann Law (17-27-100)

AFTER-DISCOVERED EVIDENCE

Subject Matter Jurisdiction 18 USCA.3161.(b)

18 U.S.C.A Rule 5(a); 18 U.S.C.A. 3164-3174

18 U.S.C.A 1504, 1503, 1506; Model Penal Code 224~~1~~; 224~~4~~

6th Amendment U.S.C.A; 14th Amendment U.S.C.A

8th Amendment U.S.C.A; PREJUDICE

Weathers vs. State 319 S.C. 59, 459 S.E. 2d. 838

Bannister vs. State 333 S.C. at 303, 509 S.E. 2d. at 809. 10

Scott vs. State 334 S.C. 248. 513 S.E. 2d. 100

Holland vs. State 322 S.E. 111, 470 S.E. 2d. 378

Odom vs. State 337 S.C. 256, 523 S.E. 2d. 581

Case vs. State 227 S.C. 474, 289 S.E. 2d. 431

Wilson vs. State 438 S.C. 215, 559 S.E. 2d. 581

Austin vs. State 305 S.C. 453, 409 S.E. 2d. 395

U.S. vs. Contreras cited at 197 F. SUPP. 2d. 1137

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IN THE SOUTH CAROLINA SUPREME COURT

In RE)

Tiffany Jeffcoat 306630

vs

The State of South Carolina

NOTICE OF INTENT
TO APPEAL BRIEFPursuit to Rule SCACR 227
Appellant No: 2008-CP-40-2256

THE APPELLANT'S BRIEF

The (Appellant) was denied Due Process of Law under the 14th Amendment U.S.C.A. P.C.R. Attorney prejudiced (her) claim. The Attorney's action was in violation with a State and Federal Statute, which is guaranteed to every convicted person. The P.C.R. Courts record must be re-opened to ensure that the (Appellant) was advised and was not deprived of her Federal Civil Rights, which cannot be denied to her by the U.S. Constitution.

① Quoting Brannon vs. State, 345, S.C. 437- S.E. 2d. 866. In Brannon vs. State, P.C.R. Court must make record of instructions revealing the trial judge's colloquy instruction and trial attorney's testimony of rights, to waive P.C.R., whether it was freely given or involuntarily given. The record will reveal the facts of the ^{1st} P.C.B. claim to determine whether counsel was negligent in the presentation of the (Applicant) P.C.R. claim, which deprived her of a right to have her case reviewed by the Supreme Court, pursuant

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 to S.C.R.C.P.

② Rule 71.1(g) P.C.R. Rights Quoting Case Laws

③ Case vs. State, The Supreme Court held that previous successive P.C.R. claims have been allowed where there is a unique combination of facts that exist.

④ Quoting - (SUPP. 2000) S.C. Code Ann Law: 17-27-45(A)

Summary judgment would be in violation, without an Evidentiary Hearing under this statute.

⑤ S.C. Code Ann Laws: 17-27-150 (SUPP. 2001) Quoting

⑥ Wilson vs. State; In Wilson vs. State, The Supreme Court ruled that (Wilson) did not knowingly and freely waive her records to a Direct Appeal.

⑦ Scott vs. State; The Supreme Court reviewed the P.C.R. Court and ruled that there must be probative evidence, it must exist to secure the P.C.R. Court's ruling.

⑧ Quoting Holland vs. State; In Holland vs. State, The Supreme Court held that the P.C.R. Court's finding will not be upheld, if not supported by Probative Evidence.

⑨ Quoting Odom vs. State; In Odom vs. State, the Supreme Court held that the (Statute of Limitation) DOES NOT APPLY, the (APPLICANT) was entitled to (his) one bite of

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the apple to have, his P.C.R reviewed by the Supreme Court. ^{The} Supreme Court found that (Austin) did not waive his rights to appeal denial of his P.C.R. claim.

① Quoting S.C.R.C.P Rule 71.1(g) P.C.R. Rights. Pursuant to Federal Rule C.P. Rule 59@, The Supreme Court has the power to alter or set aside the Lower Courts ruling, after a valid showing of legal technical errors of substantive evidence of the Court's colloquy, revealing the P.C.R. records showing that the (Appellant) was never served with a waiver of a right to appeal. No appeal was posted by Attorney in violation of Due Process of Law under the U.S. Constitution Amendment. 14th U.S.C.A. Quoting Austin vs. State; In Austin vs. State, the Supreme Court found that Austin did not knowingly and freely waive his rights to appeal (his) P.C.R. claim.