

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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AUG - 9 2013

APPEAL FROM BARNWELL COUNTY

S.C. Supreme Court

Honorable Edgar W. Dickson, Circuit Court Judge

TERRY DAVIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

Appellate Case NO: 2012-212078

MOTION RULE 60(B) SCRPC

FRAUD Upon The Court

The prose petitioner, petitions this court to grant and file MOTION Rule 60(B) SCRPC, Fraud Upon the Court, upon due diligence case based on, The introduce of frabicate edviewce.

The undersigned respectfully show the court:

1. On January 25, 2012 AN evidentiary hearing was held into the matter before the Honorable Edgar W. Dickson. Petitioner was present at this hearing and represented by Aimee J. Zmroczek, Esquire. The State was represented by Mary S. Williams, Esquire, of the Attorney General office.

2. During the evidentiary hearing Aimee J. Zmroczek, Esquire introduce fabricated Evidence during the hearing (Trial Transcript) by Court Reporter Cheri L. Young
4. It wasn't until after the hearing I obtain the trial transcript from Aimee J. Zmroczek. I contacted Cheri L. Young the Court Reporter she Acknowledge she wasn't the Court reporter over proceeding heard on October 5, 2010. Nor did she transcribe the proceeding.
5. The trial transcript has testimony omitted from the witness Linda Glover and the defendant Terry Davis. The testimony of these two witnesses are redacted in such a way the contents and context of these witnesses testimony and a different meaning is being conveyed, which is contrary to what the witnesses testified.
6. There was no indictment read of during trial.
7. I also told Robert M. Dudek of the Division of Appellate Defense my Attorney about the contradictions with my transcript. He refused to do anything. He also file a motion to be relieve as counsel. Not because of the threat because he didn't want to file Rule 60(B) SCRPC.
8. I want this Court to grant leave to file motion Rule 60(B) SCRPC, Fraud Upon the Court

9. Fraud Upon the Court is Fraud which subverts the integrity of the Court itself, or is Fraud perpetrated by officers of the Court so the judicial Machinery cannot perform in the usual manner its impartial task of Adjudging Case that are present for Adjudication citing Hazel-Atlas Glass Co. v. Hartford Empire Co. 322 U.S. 238, 64 S.Ct. 947 88 L.Ed. 1250 (1944) Robinson v. Estate of Haeris 698 S.E.2d 214 (2010)
10. I'm not trained in the rules of evidence, nor error preservation my appeal chances are slim. But I have knowledge of the Constitution, U.S. Const. Amend. XIV:1:5C Const Art 1:3 stating no person shall be deprived of life, liberty or property without due process of law. My Rights have been violated.

WHEREFORE, petitioner respectfully request that this court grant leave leave to make motion Rule 60(b) SCRPC, Fraud Upon the Court on behalf of him, and he commends further proceeding to the discretion of the court

Respectfully submitted,

Terry Davis

Terry DAVIS, 197348

Tren. Corr. Inst. 2A-19

84 Greenhouse Road

Trenton, S.C. 29847

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion Rule 60(b) SCRP, Fraud Upon the Court in the above-referenced case has been served upon Daniel E. Shearouse, Clerk of Court post office Box 11330 Columbia, S.C. 29211. Petitioner is also notifying opposing counsel David A. Spencer, Esquire at the Renbur Dennis Building 1000 Assembly Street Room 519, Columbia, S.C. 29201

SWORN TO AND SUBSCRIBE Before Me

this 5th day of August 2013

Elaine M. Freeman
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires June 22nd, 2021.

x Terry Davis

Terry DAVIS, 197349

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