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S.C. SUPREME COURT

Memorandum OF Law

The jurisdiction OF a Court over the Subject matter OF a proceeding is Fundamental. Anderson v. Anderson, 299 S.C. 110, 115, 382 S.E.2d 897, 900 (1989).

Lack OF Subject matter Jurisdiction may not be Waived, even by Consent OF the parties... It is well settled that issues related to Subject matter Jurisdiction may be raised at any time...

Furthermore the acts OF a Court with respect to a matter as to which it has no jurisdiction are void. State v. Funderburk, 255 S.C. 256, 191 S.E.2d 520 (1972).

The United States Supreme Court ruled in United States v. Cotton, 535 U.S. 625, 122 S.Ct. 1781, 152 L.Ed.2d 860 (2002). Defects in Subject matter Jurisdiction Can never be Forfeited or waived, and Requires Correction.

Petitioner Further contends, just because a

Court has Subject matter Jurisdiction over a class of cases a defendant is convicted of does not end the Court's inquiry into whether a jurisdictional defect sufficient to survive a guilty plea exists.

The Jurisdictional power of a Court of General Sessions to adjudicate Criminal cases is not unlimited. It does not include, for instance, the power to convict someone of a statute no longer in effect. In re Terrence, 317 S.C. 212, 214, 452 S.E.2d 626, 627 (Ct. App. 1994), or of a nonexistent offense, Whitner v. State, 328 S.C. 1, 5 492 S.E.2d 777, 779 (1997), Williams v. State, 306 S.C. 89, 410 S.E.2d 563 (1991), See also State v. Sims, 423 S.C. 397 814 S.E.2d 632 (Ct. App. 2018).

Petitioner contends that his case falls under the Category of being a nonexistent offense:

Petitioner further contends that he stood in front of a Circuit Court judge and pled guilty to a nonexistent offense (Homicide) that was never ruled a homicide by the Coroner or

Medical Examiner, which is required by State law. See South Carolina Code Ann. § 17-5-530(A)(1) State law requires medical examiners to make an initial inquiry, forming the basis of a medical conclusion as to the cause and manner of death, if caused by violence.

See also State v. Westmoreland, 421 S.C. 807 S.E.2d 701 (Ct. App. 2017). The Respondent/State argued in Westmoreland, Supra... that a Statute Required the Coroner to determine the manner of death was homicide, the defense objected, and the "trial Court responded, 'I think Coroners are required to give rulings on death by law'..."

See also Moses v. Sumter County, 55 S.C. 502, 33 S.E. 581 (1899), Giles v. Brown, 1 Mills, Const. 230 (1817), See also South Carolina Code Ann. § 17-7-20.

Petitioner reiterate that his case was not legally in the General Sessions Court, because the alleged incident (death) was never ruled a homicide.

Petitioner further contends that according to the Legislature's Intent, this death (case) is still

memorandum OF LAW

Under the Coroner's Jurisdiction until he investigates and makes a Determination/Ruling OF the manner OF Death and Certify it.

Petitioner Further contends that if the Solicitor's Office and the grand jury Foreman Can determine the cause and manner OF death, then the State OF South Carolina would no longer need Coroners or medical Examiners.