

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 09 2024

SC Court of Appeals

Appeal to Common Pleas
Richland County

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Honorable JOEL N. NEWMAN Judge SEP 10 2024

S.C. SUPREME COURT

Terrance Adams,

Petitioner,

v.

STATE OF SOUTH CAROLINA

Respondent,

APPELLATE CASE NO. 2024-001280

Trial Court NO. 2023CP4005990

Terrance Adams, 229168

EVANS

610 HWY #9 West

Bennettsville, SC 29512

BACKGROUND OF THE CASE

The Fourteenth Arrest Warrant-Affidavit is erroneous assertion contrary to the truth. Appellant was illegally seized on April 19th, 2005 when the affiant D. Hunt Jr., an undercover police officer and others physically attack him, punch him, kicked him in the face, and choked him in which he was transported by ambulance to Palmetto Richland Hospital for injuries and damages he suffered from the hands of officers. APP.P. 74 Ln. 23-25 APP.P. 75 Ln. 1-16, APP.P. 143 APP.P. 144 The officers had appellant admitted under the name Jason Odell Allen, "soon after being released from the hospital that when the officers told him you're going to jail because they say they saw him (appellant) inside the residence. APP.P. APP.P. 57 Ln. 6-9 Instead of investigator Hunt signature it was three officers who signed the documents Arrest Warrant-Affidavit but were not subpoenaed to testify at appellant trial.

In appellant case the state presented evidence of a videotape? APP.P. 118 Ln. 22-25 APP.P. 119 Ln. 1-6 APP.P. 173 Ln. 20-25 OBJECTIVE VIDEO TAPE FOUNDATION involves personally knowledge of owner of Food Fair to authenticated or identifying surveillance video that showed appellant doing no crime in front the establishment but an act of violence by the respondent's is relevant where the owner that operated the security system recorded the video but did not testified to this event.

On January 30th-February 1st, 2006 Trial Counsel provided ineffective assistance by failing to investigate and properly challenge - in trial for first degree burglary - the two prior burglary convictions, which were used to elevated to first degree burglary and six LWOP sentence, "It "shock" appellant physically and mentally because counsel never mention or discussed any priors prior to him before trial. APP.P. 7 APP.P. 9.

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Here, is the issue Appellant OBJECT to this illegal sentence under S.C. Code Ann. § 16-11-311 (A)(2) (B), The two Second Degree Burglary (A) Convictions the trial judge used for a sentencing enhancer is Constitutionally Invalid according with South Carolina statutes in S.C. Code Ann. § 16-11-312 (A) Burglary Second Degree is a Nonviolent crime under S.C. Code Ann. § 16-1-70 and Section 16-1-70 which is defined in Hair v. State, (1991) 305 S.C. 77 406 SE 2d 332.

DID THE COURT ERRONEOUS RULED ON THE FACE OF ANCIENT DOCUMENTS INDICTMENTS?

At trial, the trial judge error by ruling on the face of Indictment 93-GS-40-9530 and Exhibit No. 42 and the face of Indictment 93-GS-40-9516 for Burglary Second Degree and Exhibit No. 43 APP.P. 199 Ln. 21-25 APP.P. 200 APP.P. 201 Ln. 1-7 APP.P. 295 Ln. 25 APP.P. 296 APP.P. 297 Ln. 1-7 APP.P. 298 Ln. 13-25 APP.P. 299 Ln. 1-15 There is no aggravating elements in the body of the indictment for sentencing enhancement under S.C. Code Ann. § 17-25-45. S.C. CONST. Art. 1 § 15; U.S.A. CONST. Amend. 8

In Adams Case trial Counsel was ineffective for failing to investigate to prior burglary convictions. The prior burglary convictions are Constitutionally invalid because they were not knowing and voluntarily entered according to FR Crim. P. 11 Boykins v. Alabama, 395 U.S. 238 89 S.Ct. 1709 23 LEd 2d 274 (1969). There is no record of a transcript related to January 8th, 1997.

Pursuant to sixth and Fourteenth Amendment to the United States Constitution prohibit a prior uncounseled conviction resulting in a sentence of imprisonment

to be used to enhance the punishment.

Appellant have scientific proof that the Sentencing Sheet Contracts on February 1st, 2006 and so-called prior uncounseled Sentencing Contract on January 8th, 1997 is a contract between deceased Honorable Judge and deceased Clerk of Court of Richland County. A hearing or "NEW TRIAL" is necessary to decide the illegal sentence issue?
APP. P. 21 Ln. 8-25 APP. P. 22 Ln. 1-10

FRCRIMP 43 provides a criminal defendant the right to be present at sentencing. "DUE PROCESS requires the Judge's Pronouncement Control over conflicting Sentence Order. U.S. CA, CONST. AMENDS. 5, 6, 14

In order to determine whether the trial judge did address himself to the defendant personally the judge before sentencing should, as a matter of ~~judicial~~ judicial administration unambiguous address themselves to the defendant by leaving no room for doubt that the defendant has been issued a personal invitation to speak prior to sentencing. APP. P. 314 FRCRIMP 32(a)(4)(ALLI) RESERVED

IS THE BURGLARY CONVICTIONS CONSTITUTIONALLY VALID TO SENTENCE ADAMS LWOP?

DID THE TRIAL COURT ERROR IN USING UNCOUNSELED CONVICTIONS TO SENTENCE ADAMS LWOP?

Appellant argues counsel deficient performance prejudice him because indictment 93-GS-40-9530 and indictment 93-GS-40-9516 properly set out the elements for second degree burglary under section 16-11-312(A). ("A person enters a dwelling without consent and with intent to commit a crime therein"). The trial court failure to read the language in the body of the indictment before admitting it into evidence "represents" abuse of discretion. APP. P. 252 in State v. Washington 338 SC 392 526 SE2d 709 (2000) there be undisputed proof the defendant was inside residence when owner of house came home

CONCLUSION

Based on the foregoing argument, Petitioner respectfully requests this Court grant evidentiary hearing of New Trial on this issue.

Terrance Adams #229165

This 4th day of September 2024