

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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S.C. SUPREME COURT

APPEAL TO RICHLAND COUNTY

Appellate Case NO. 2024-001280

trial case NO. 2023CP4605990

Honorable Julelyn Newman Judge

Terrence Adams #229165,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent,

267 Brief

D. RUSSELL Barlow III
Asst. Attorney General
5th Circuit

Terrence Adams #229165
EVANS
610 HWY #9 West
Bennettsville, SC 29512

BACKGROUND OF THE CASE

The Fourteenth Arrest Warrant - Affidavit is an erroneous assertion contrary to the truth. Appellant was illegally seized on April 19, 2005 when the Affiant D. Hunt, Jr. an undercover police officer and others physically attack him, punched him, kicked him in the face and choked him which he was transported by ambulance to ~~Rahmetto~~ Richland Hospital for injuries and damages he suffered from the hands of officers. APP. P. 74 Ln. 23-25 APP. P. 1-6 APP. P. 143 APP. P. 144

The officers had Appellant admitted under the named Jason Odell Allen after being released from the hospital that's when the officers told him you're going to jail because they say they see Appellant inside the residence. APP. P. 57 Ln. 6-9 APP. P. 248 Ln. 4-13 Instead, of investigator Hunt signature absence it was the three officers who signed the documents Arrest Warrant - Affidavit but they were not subpoenaed to testify at Appellant trial.

It Appellant case, the state presented evidence of a video tape? APP. P. 118 Ln. 22-25 APP. P. 119 Ln. 1-6 APP. P. 173 Ln. 20-25 OBJECTION video tape foundation involves personal knowledge of owner of Fair Food to authenticated or identifying surveillance video showing Appellant doing no crime in front of establishment but an act of violence by the Respondent's is relevant where the owner that operated the security system recorded the video 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 prior Burglary convictions were used to elevate 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 going before trial. APP. P. 7 APP. P. 9

Here, is the issue, Appellant Objects to this illegal Sentence Under S.C. Code Ann. § 16-11-311 (A) (2) (B). The Two Burglary Second Degree (A) Convictions that the trial Judge Used For a sentence 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. § 16-1-60 and Section 16-1-70 which is defined in Hair v. State, (S.C. 1991) 305 S.C. 77 406 SE2d 332.

DID THE TRIAL COURT ERRONEOUS RULED ON THE FACE OF ANCIENT DOCUMENT 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 and Exhibit No. 43 For Burglary Second Degree (A) 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 indictments for sentencing enhancement Under S.C. Code Ann. § 17-25-45. S.C. CONST. Art. I § 10, 15; U.S. CONST. Amends. 4, 8, 14

In Adams case, Trial Counsel was ineffective For Failing to investigate the Prior Burglary Convictions. The Prior Burglary Convictions are Constitutionally Invalid because they were not knowingly and voluntarily entered according to FR CrimP. 11 BOYKINS v. Alabama, 395 U.S. 238 89 S.Ct. 1709 23 LEd2d 274 (1969). there is no record of a transcript related to January 8th, 1997 just the conflicting sentence order. Pursuant to sixth and fourteenth Amendments to the United States Constitution prohibit uncounseled conviction resulting in a sentence of imprisonment

[Appellant clear and convincing proof Under this Condition, or unlawful Condition Pursuant to a sentence order should be "Nullify" because the F. Form Sentencing Sheet Contract on February 1, 2006 and January 8th, 1997 is an agreement between the deceased Honorable Judge and deceased Clerk of Court. See S.C. CONST. Art. 1 § 16]

to be used to enhance the Punishment Appellant have Scientific Proof that the Sentencing Sheet Contracts on February 1st 2006 and the so called Prior Uncounseled Sentencing Contracts on January 8th, 1997 is a Contract between deceased Honorable Judge and deceased Clerk of Court of Richland County. A hearing of "NEW TRIAL" is necessary to decide the illegal sentence issue? APP.P. 21 Ln. 8-25 APP.P. 22 Ln. 1-10 APP.P. 312 Ln. 20-24 APP.P. 313 Ln. 14-25 APP.P. 329 through 334

FRCrIMP 43 Provides a Criminal defendant the right to be Present at Sentencing. "Due Process requires the Judge Pronouncement Control over conflicting Sentence order. U.S.C.A. CONST. Amends. 5, 6, 14

In Order to determine whether the trial Judge did address himself to the defendant. Before Sentencing the Judge should personally, as a matter of good Judicial administration, unambiguously address themselves to the defendant by leaving no room for doubt that that defendant has been issued a personal invitation to speak prior to sentencing. APP.P. 314 FRCrIMP. 32 (a)(4)(A)(ii) Reserved.

IS THE BURGLARY INDICTMENTS CONSTITUTIONALLY VALID TO SENTENCE LWOP?

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

Appellant argues Counsel deficient Performance Prejudice him because even "IF" Valid Indictment 93-GS-40-9530 and Indictment 93-GS-40-9516 Properly set out the elements in section 16-11-312(A) ("A Person enters a dwelling with consent and with intent to commit a crime therein"). The Trial Judge Failure to read the language in the body of the indictments before admitting or classifying evidence "represents" an Abuse of Discretion (CAE 103, SCRE 403 in State v. Washington. (2000) 339 S.C. 392 526 SE2d 709 There is undisputed Proof that Blakely the Police Officer saw Washington inside his residence when he came home.

[The instrument is an agreement between the Hon. Judge, deceased Clerk and three Police Officers. The Contracts should be void Pursuant to S.C. Code Ann. § 17-23-140.]

CONCLUSION

Based on the Foregoing Argument Petitioner respectfully request this Court grant evidentiary hearing or Absolute "New TRIAL" on the issue.

Bennettsville, South Carolina
THIS 4th day of September 2024

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