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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

JOCELYN NEWMAN CIRCUIT COURT JUDGE

CASE NO. 2024-001289

KEVIN SMITH #164920, APPELLANT,

v.

STATE OF SOUTH CAROLINA, RESPONDENT,

APPELLANT'S WRITTEN EXPLANATION PURSUANT TO RULE
219 (c) S.C.A.C.R.

ISSUE 1 DISMISSAL OF THIS CASE NO. 2024-CP-100-1526 PURSUANT TO THE POST-CONVICTION PROCEDURES ACT S. CODE ANN. § 17-27-10 AND ALL APPLICABLE CODES ATTACHED TO THIS ACT, AS BARRED; SUCCESSIVE ON BEING UNTEMLY BY THE LOWER COURT WAS IMPROPER.

SUPPORTING FACTS - ARGUMENT - CASE LAW

ON JANUARY 30, 2024 AD THE PLAINTIFF [APPELLANT] SUBMITTED HIS NOTICE OF MOTION AND MOTION FOR A WRIT OF HABEAS CORPUS AND A DECLARATION THAT THE TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO CONVICT AND SENTENCE THE PLAINTIFF BASED UPON STATES VOID-NULL-UNFILED INDICTMENT NOS 95-GS-10-3705 (TAKING OF HOSTAGES); 95-GS-10-3706 (ABWIK); 95-GS-10-3707 (ADHAN); 95-GS-10-3708 (TAKING OF HOSTAGES); 95-GS-10-1202 (TAKING OF HOSTAGES); 96-GS-10-1156 (ABWIK); TO THE RICHLAND COUNTY CLERK OF COURT FOR FILING [COMMON PLEAS] ALONG WITH CIVIL ACTION COVER SHEET AND SUMMONS, NAMING AS DEFENDANTS STATE OF SOUTH CAROLINA; ALAN WILSON; WARREN B. GIBBS; AND R. MARKLEY DENNIS JR. TO INCLUDE PLAINTIFFS VERIFIED COMPLAINT AND SUPPORTING AFFIDAVIT, WHICH WERE FILED- CLOCK-STAMPED ON MARCH 8, 2024 AD AND ASSIGNED CASE NO. 2024-CP-100-1526
SEE: PLAINTIFF-APPELLANTS EXHIBIT A - ATTACHED

AT NO TIME DID THE PLAINTIFF [APPELLANT] COMMENCED-SUBMITTED OR FILE ANY APPLICATION FOR POST CONVICTION RELIEF (PCR) TO THE RICHLAND COUNTY CLERK OF COURT ON MARCH 8, 2024 AD; AND THE LOWER COURTS RECORDS ARE DEVOID OF SUCH FILINGS SEE: LOWER COURTS RECORDS OF THESE PROCEEDINGS.

In a post conviction proceeding; the focus usually is upon alleged errors made by trial or plea counsel; the applicant attempts to show that his or her attorney erred in a manner that a reasonably proficient attorney would not and that error prejudiced his case. SUTTON V. STATE, 362 S.C. 644 S.E. 2d 779 (S.C. 2004); which is not the case here.

Thus; the lower court (Clerk of Court) improperly construed the plaintiff (Appellants) motion for a writ of Mandamus and Declaratory Judgment Case No. 2024-CV-100-2526; as a post-conviction (RELIEF (PCR)) application; which this court has previously found is not applicable law. SEE: MILLER V. STATE; 377 S.C. 99; 659 S.E. 2d 492 (2008) (noting: "the clerk of court should not construe a petition for a writ of Habeas Corpus as a PCR application.")

ISSUE 2 UNFILED INDICTMENTS

SUPPORTING FACTS - ARGUMENT - CASE LAW

RULE 3(C) S.C.A.C.R.I.P. requires solicitors to file indictments with the clerk of court; yet as evident, the lower court's records are devoid of states indictments nos 95-65-10-3705 (TAKING OF HOSTAGES); 95-65-10-3706 (ABWIK); 95-65-10-3709 (ABHAN); 95-65-10-3708 (TAKING OF HOSTAGES); 95-65-10-4282 (TAKING OF HOSTAGE); 96-65-10-11556 (ABWIK) ever being filed clock-stamped with the Richland County Clerk of Court, thus warranting the courts granting of

The writ of Mandamus and Declaratory Judgment in this case.

SEE: STATE v. PRICE, 2023 WL 8588535 [S. Carolina Supreme Court granting "extraordinary writ" and a declaratory finding judgment order void; BE-
 CAUSE documents were never filed - stamped with the Clerk of court:]
 SEE: Plaintiff Appellants Exhibit-B attached

Moreover, Rule 37 S.C.A.Crimp mandates these rules "shall" apply to every trial court of criminal jurisdiction within this state. [adopted effective September 1, 1988] and the term "shall" in a statute means that the action is mandatory. SEE: STRICKLAND v. HIGHLAND COUNTY LEGISLATIVE DELEGATION, 110 S.C. 438, 892 S.E.2d (S.C. 2023)

Thus, the trial court lacked subject matter jurisdiction to try and convict the plaintiff [appellant] on states null-void invalid indictments (above numbered). SEE: KATZBURG v. KATZBURG, 110 S.C. 284, 764 S.E.2d 3 (Ct App 2014) [holding: "a judgment of a court without subject matter jurisdiction is void and constitutes grounds for the court to vacate the judgment."], KOSCIOUSKO v. PARHAM, 128 S.C. 481, 836 S.E.2d 362 (2019) (same). DOVE v. GOLDKRESTING, 311 S.C. 235, 442 S.E.2d 598 (S.C. 1994) ("court lacking subject matter jurisdiction has no authority to act regardless of geographical location or consent of litigants.") and a null indictment is of no legal effect and therefore non-binding under law. STATES null indictment is by its very nature insufficient to support a conviction or sentence and protects against double jeopardy. SEE: Black's Law Dictionary Edition 2004 ["IT IS AN AXIOMATIC RULE OF LAW THAT AN INDICTMENT DEEMED TO BE A NULLITY IS SOMETHING THAT IS LEGALLY VOID" and of no "legal effect."]

ISSUE 3 ILLEGAL IMPANELMENT OF GRAND JURY - SUBJECT MATTER JURISDICTION.

SUPPORTING FACTS - ARGUMENT CASE LAW

- The matter presented for this Court for review is not a challenge to the courts grant of authority to hear and determine cases. That authority is rightfully granted by our Constitution. STATE V. GENTRY, 363 S.C. 93, 620 S.E.2d 494 (2005) and will not be at issue here. Instead the plaintiff-appellant contends that the Court of General Sessions for Richland County failed to comply with statutory law jurisdictional in nature, specifying the manner and means for lawful return of state true-billed indictment nos 95-GS-40-3705 (Taking of Hostages); 95-GS-40-3706 (ABWIK); 95-GS-40-3707 (ABHAN); 95-GS-40-3708 (Taking of Hostages); 95-GS-40-4282 (Taking of Hostages); 96-GS-40-1156 (ABWIK).

The jurisdiction of a court over the subject matter of a proceeding is determined by the Constitution, the laws of the state, and is fundamental. STATE V. HEYWARD 569 S.E.2d 399 (S.C. App. 2003) (citing ANDERSON V. ANDERSON, 302 S.E.2d 897, 900 S.C.2d 1989) (emphasis added) subject matter jurisdiction may not be waived even with consent of the parties, and may be raised at any time. BROWN V. STATE, 540 S.E.2d 846 (2001),

And no indictment may be true-billed by Grand jury when Circuit Court lacks jurisdiction; since Grand jury's jurisdiction is coextensive with criminal jurisdiction of the Court in which it is impaneled and for which it is to make inquiry.... STATE V. McLURE, 289 S.E.2d 258 (S.C. 1982), STATE V. FUNDERBURK, 191 S.E.2d 520 (S.C. 1972), STATE V. WHEELER, 193 S.E.2d 515 (1972)

In this case states indictment nos (above-named) prints they were returned at a Court of General Sessions convened on June 14, 1995; the Grand jury of Richland County present upon their oath; the indictments are signed by the Solicitor [Warren B. Giese] and the Grand jury Foreman with True Bill stamp. [Absent date of true-bill and filing date]; furthermore the title page of states indictments prints that it was published at a Court of General Sessions for Richland County Term convened on June 14, 1995. Plaintiff-Appellants Exhibit-B-attached.

However, according to the Court of General Sessions order for Richland County Grand jury Meet 1995 Term; there was "no Term of Court" for the Richland County [Grand jury] Court of General Sessions on June 14, 1995. see: Plaintiff-Appellants Exhibit-C-attached

Therefore, recognizing the jurisdictional requirements set forth in S.C. CODE OF LAW ANN § 14-9-210; Mandating the only

process allowed for impaneling a lawful Grand Jury and after the consideration of the facts and evidence presented by the plaintiff-appellant attached IT BECOMES APPARENT THAT THE APPELLANT WAS INDICTED OUTSIDE THE JURISDICTION OF THE COURT OF GENERAL SESSIONS FOR RICHLAND COUNTY AND BY A MODE OF PROCEDURE THAT THE STATE HAD NO LAWFUL AUTHORITY TO ADOPT.

When a legislative enactment limits the manner in which something may be done, the enactment also evidences the intent that it should not be done another way. Thus, since the state/court utilized an unlawful mode of procedure not allowed under sections 14-9-210, state lacked the requisite jurisdiction to complete return of its true-billed indictment (above mentioned).

As established above section 14-9-210, is clearly a jurisdictional statute and sets forth mandatory procedure to be utilized by the state for lawful return of a true-billed indictment. A substantial body of South Carolina law holds that a failure to comply with statutory law jurisdictional in nature deprives the court of subject matter jurisdiction. SEE: STATE V. LEE, 564 S.E.2d 392 (SC App. 2002); STATE V. BROWN, 570 S.E.2d 559 (SC App. 2002); STATE V. FELDER, 437 S.E.2d 13 (SC 1993); STATE V. RICHBURG, 403 S.E.2d 315 (SC 1991); STATE V. LORTON, 375 S.E.2d 575 (SC 1981); GRAY V. STATE, 281 S.E.2d 226 (SC 1982); STATE V. BRUNSON, 262 S.E.2d 79 (SC 1980); STATE V. CASTLEMAN, 69 S.E.2d 850 (SC 1952) and many more.

Therefore, since no Court of General Sessions for Richland County was convened on the date of June 24, 1995, States Indictment No. 6 (Above-Mentioned) were true-billed. The Grand Jury proceedings would therefore by necessity be held invalid.

ISSUE 4 THE PLAINTIFF-APPELLANTS CASE IS NOT BARRED BY THE EQUITABLE DOCTRINE OF LACHES - OR STATUTE OF LIMITATIONS

SUPPORTING FACTS - ARGUMENT - CASE LAW

BECAUSE THE PLAINTIFF-APPELLANT CHALLENGES (ACCUSES) THE STATES VIOLATION OF STATUTORY LAW SECTIONS § 21-9-20, § 16-9-10 (C.A.2), § 21-25-20, § 17-25-20 (AND NUMEROUS OTHERS CODES OF LAW); SUMMARY DISMISSAL OF THIS CASE BY LACHES IS NOW APPLICABLE. SEE SLOAN V. DEPT. OF TRANSPORTATION; 365 SC 299 (2005) ("Laches did not prevent Supreme Court from reviewing issue of whether Dept. violated statutory bidding requirements.")

ISSUE 5 STATES SUBMISSION OF FALSE, MISLEADING, INCOMPLETE INFORMATION ON A DOCUMENT REQUIRED BY THE COURT IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS ANN § 16-9-10 (C.A.2)

SUPPORTING FACTS - ARGUMENT - CASE LAW

THE DEFENDANTS HAVE SUBMITTED FALSE, MISLEADING, INCOMPLETE INFORMATION IN THE STATES ARREST WARRANT NO. D-881910 (TAKING OF HOSTAGES) - D-881411 (TAKING OF HOSTAGES); D-881912 (TAKING OF HOSTAGES). EACH INDICTMENT

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Has not been signed by a judge; not on file (clock-stamped) with the Court of General Sessions, Richland County Clerks office and does not identify the plaintiff-appellant; but identifies inmate No. 132987 - DATE OF BIRTH (D.O.B.) 11/21/70. which is not the appellant.

Arrest Warrant No. D-88-1402 (A.B.W.I.K.); D-88-1422 (A.B.H.A.N.); D-88-1509 (A.B.W.I.K.), has not been signed by a judge; not on file (clock-stamped) with the Court of General Sessions, Richland County Clerks office, states inaccurate, false, misleading information; identifies another persons DATE OF BIRTH (D.O.B.) 11/21/70. SEE: plaintiff-appellants exhibit-D-attached

The Defendants have submitted incomplete information in the States Sentence Shunts Case No. 95-GS-40-3705 (Taking of Hostages); 95-GS-40-3706 (A.B.W.I.K.); 95-GS-40-3707 (A.B.H.A.N.); 95-GS-40-3708 (Taking of Hostages) 95-GS-40-4282 (Taking of Hostages); 96-GS-40-11556 (A.B.H.A.N.) Each sentence bears no date of filing (clock-stamped); no DATE OF BIRTH; no Social Security No. SEE: plaintiff-appellants exhibit-E-attached

The Defendants have submitted false, misleading, incomplete information in the stated indictment nos (above-mentioned) each indictment bears no date of true-billed. SEE: ANDERSON v. STATE 338 S.C; 629-527 S.E.2d 398 (Ct. App. 2000) (finding the absence of the term "true-bill" on the face of the indictment against defendant grounds for hearing). no DATE OF FILING (clock-stamped) with the Richland County Clerks office. SEE: plaintiff-appellants exhibit-B-attached

Thus, the Defendants acts against the plaintiff-appellant are in violation of S. Carolina Code of Laws ANN § 16-9-10(a)(2) PERJURY AND SUBORNATION OF PERJURY which Mandates:

" IT IS unlawful for a person to willfully give false; misleading; or incomplete information on a document; record; report; or form required by the laws of this state."

Although the crime of subornation is not consummated; the attempt to commit it is in itself a crime; being an act done with the intention of preventing the due course of justice. BURNS V. CLAYTON; 237 SC 316; 129 S.E. 2d 300 (S.C. 1966) and giving false testimony at trial constitutes the felony of perjury and subjects the perjurer to a fine and/or up to five years imprisonment. COLLINS V. DOE; 343 SC 119; 539 S.E. 2d 62 (S.C. App 2000)

Based upon the plaintiff-appellant's evidence, (documentation) facts, argument and supporting case law this court should find that the judgment of the lower court is void. SEE:

SANDERS V. SMITH 431 SC 605 848 S.E. 2d 604 (2020) (explaining the definition of void under the voidness provision of relief from judgment rule only encompasses judgments from courts which failed to provide proper due process or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction.")

ISSUE 6. PERJURY UNDER SOUTH CAROLINA LAW BY THE PROSECUTION

SUPPORTING FACTS - ARGUMENT - CASE LAW

The ATTORNEY General of South Carolina is the States chief PROSECUTOR; AND AS AN ELECTED official, IS ACCOUNTABLE TO THE PEOPLE OF THE STATE. STATE V. HARRISON, 432 S.C. 448; 854 S.E.2d 468 (2022); South Carolina Const. ART 5, § 24 S.C. CONST. ART 6 § 7; PERJURY UNDER South Carolina Law IS DIRECTED NOT SO MUCH AT THE EFFECTS OF THE PERJURIOUS STATEMENT; BUT RATHER AT ITS PERPETRATION AND THE PROBABLE WRONG DONE THE ADMINISTRATION OF JUSTICE BY FALSE TESTIMONY.

THE DEFENDANTS IN THIS CASE HAVE COMMITTED OUTRIGHT PERJURED TESTIMONY: THAT THE PLAINTIFF-APPELLANT COMPIACED AND FILED AN APPLICATION FOR POST-CONVICTION RELIEF (P.C.R.) ON MARCH 8, 2024; (FINAL ORDER OF DISMISSALS *ET AL.*) IN DEFENDANTS ATTEMPT TO DECEIVE THE COURT, AND UNDERMINE THESE PROCEEDINGS UNDER THE GUISE OF AN APPLICATION FOR POST-CONVICTION RELIEF FOR DISMISSAL FOR SUCCESSIVE; LACHES; STATUTE OF LIMITATIONS OF WHICH THE LOWER COURT WAS VERY MUCH AWARE OF V.I.A. THE PLAINTIFF-APPELLANTS EVIDENCE (DOCUMENTATION) SUBMITTED THROUGHOUT THE COURSE OF THIS LITIGATION. SEE: RIDGLE V. OZMINT 369 S.C. 37, 40; 18,632 S.E.2d 70 (2006) (HOLDING: A PROSECUTOR'S DELIBERATE DECEPTION OF A COURT AND JURORS BY THE PRESENTATION OF KNOWN FALSE EVIDENCE IS INCOMPATIBLE WITH THE RUDIMENTARY DEMANDS OF JUSTICE. CITING GEIGLY V. U.S. 150, 153, 92 S.Ct. 763; 22 L.Ed.2d 264 (1992))

Hence, the South Carolina Attorney General is Imbued by the State Constitution with substantial authority over the prosecution of Criminal cases, and to that end; the Attorney General has the Constitutional Duty to supervise all Criminal prosecutions and ensure "all" laws be faithfully executed as well as the statutory duty to direct the State's Solicitor's STATE V. HARRISON, 432 S.C. 440; 654 S.E.2d 168 (S.C. 2022) thus, the Defendant's perjured testimony against the plaintiff-appellant, are in violation of South Carolina Code of Laws ANN. § 16-9-20. SUBORNATION OF PERJURY IN CIVIL ACTIONS.

ISSUE 7. SOUTH CAROLINA LAW - DUE PROCESS REQUIREMENT

SUPPORTING FACTS - ARGUMENT CASE LAW

South Carolina Law holds that words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction. SEE: STATE V. SWEATE, 386 S.C. 334; 688 S.E.2d 569 (2020); and STATUTORY PRESCRIPTIONS Couched in language such as "shall" and "must" are mandatory in application and effect SEE: eg. SOUTH CAROLINA POLICE OFFICER'S RET SYS. V. CITY OF SPARTANBURG, 391 S.E.2d 239; 192 (1970) STARVES V. SOUTH CAROLINA DEPT. OF PUBLIC SAFETY, 535 S.E.2d 655; 667 (CT. APP. 2000)

A plain reading of South Carolina Code of Laws SECTION § 17-25-20 requires that a criminal defendant cannot be punished for an offense until after the state has duly and legally convicted the individual. This did not happen in the plaintiff-appellant's case. In the state's criminal case against the (defendant) plaintiff, the state violated nearly every component of the procedural and due process notice requirements that is owed to the plaintiff.

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OUR STATES SUPREME COURT IN STATE V. COTTINGHAM, 224 S.C. 301, 175 E.2d 697 (S.C. 1953) HELD:

"No local RULE OF COURT, ADMINISTRATIVE ORDER, POLICY OR OTHER PROCEDURE CAN TAKE PRECEDENT OVER STATUTORY LAW WHICH IS ALWAYS CONTROLLING."

"AND A JUDGMENT BY A COURT IN A CRIMINAL CASE MUST CONFORM STRICTLY TO THE STATUTE; AND ANY VARIATION FROM ITS PROVISIONS RENDERS THE JUDGMENT VOID." STATE V. MOORE, 255 S.E.2d 448, 449 (S.C. 1979)

ISSUE B. ILLEGAL INCARCERATION - AGGRAVATED KIDNAPPING

SUPPORTING FACTS - ARGUMENT - CASE LAW

BECAUSE THE PLAINTIFF-APPELLANTS CONVICTION, SENTENCE AND INCARCERATION IS BASED UPON THE DEFENDANT'S SUBMISSION OF STATES FALS, MISLEADING, INCOMPLETE INFORMATION IN STATES ARREST WARRANTS, INDICTMENTS, GRAND JURY MEET, SENTENCE SHEETS, AND PERJURED TESTIMONY, FRAUD UPON THE COURT, AS EVIDENT HERE BY THE DEFENDANT'S, AND THE APPELLANTS SUPPORTING DOCUMENTATION, THE PLAINTIFF-APPELLANTS INCARCERATION IS ILLEGAL AND IS TANTAMOUNT TO AGGRAVATED KIDNAPPING, AND IS A BAR TO ALL PROSECUTION IN ACCORDANCE TO OUR SOUTH CAROLINA CONSTITUTION ARTICLE I SECTIONS 11, SOUTH CAROLINA CODE OF LAWS ANN § 29-25-10, SOUTH CAROLINA RULES OF CRIMINAL PROCEDURES 3(C)-37, AND OUR UNITED STATES CONSTITUTION AMANDS

3rd 6th 17th. SEE: HAMILTON V. MCCARTER, 772 F.2d 172-183 (5th Cir. 1985) (holding: "A sentence not based on a lawfully sworn to indictment is tantamount to aggravated kidnapping, and is a bar to all prosecution in accordance to the Constitution of our United States.")

ISSUE 9. CRIMINAL CONSPIRACY

SUPPORTING FACTS - ARGUMENT - CASE LAW

The plaintiff-appellants supporting Affidavits, Documentation, Exhibits and the Lower Courts own Records clearly shows circumstantial evidence and the conduct of the parties involved in this case. In each defendant's commission in the unlawful act to secure STATES illegal conviction against the plaintiff-appellant, and the defendant's attempts to cover up such illegal acts throughout the course of the litigation of this case. SEE: plaintiff-appellants Affidavit of Evidence (Exhibits A through G) ATTACHED.

In Criminal Conspiracy IT IS NOT NECESSARY TO PROVE AN OVERT ACT, AS GIST OF THE CRIME IS UNLAWFUL COMBINATION, AND CRIME IS COMPLETE EVEN THOUGH NOTHING FURTHER IS DONE. STATE V. FERGUSON, 70 S.E.2d 355 (SC 1952). AND FORMAL EXPRESS AGREEMENT IS NOT NECESSARY TO ESTABLISH A CONSPIRACY AND IT MAY BE SHOWN BY CIRCUMSTANTIAL EVIDENCE AND CONDUCT OF PARTIES. STATE V. OLIVER, 267 S.E.2d 529, 530 (S.C. 1980) where several persons; pursuant to common design to

commit unlawful act participate in some way in commission of the unlawful act; The act is the act of all, and all are presumed to be present and guilty. STATE V. BLACKWELL, 67 S.E.2d 689 (SC 1951)

wherefore, the court should enter a judgment against the defendants finding each defendant guilty of criminal conspiracy in the states prosecution of the plaintiff; cf. appellants respectively

ISSUE 2D. FRAUD UPON THE COURT

SUPPORTING FACTS - ARGUMENT - CASE LAW

Defendants (states) tampering with the administration of justice in the manner undisputedly shown here involves far more than injury to the plaintiff. appellant (KEVIN SMITH). IT IS A WRONG AGAINST THE INSTITUTION SET UP TO PROTECT AND SAFEGUARD THE PUBLIC INSTITUTION IN WHICH FRAUD CANNOT COMPLACENTLY BE TOLERATED CONSISTENTLY WITH THE GOOD ORDER OF SOCIETY. SURELY IT CANNOT BE THAT THE PRESERVATION OF THE INTEGRITY OF THE JUDICIAL PROCESS MUST ALWAYS WAIT UPON THE DILIGENCE OF

1 The Richland County Clerk of Court JEANETTE W. McBRIDE IS ALSO A CO-CONSPIRATOR IN THE Plaintiff-appellants CASE; AS EVIDENT BY HER SILENCE IS ALLOWING DEFENDANTS TO ASSERT FALSE STATEMENTS (perjured testimony) i.e. plaintiffs filing of a PCR application with HER OFFICE ON DATES JUNE 20, 2024, AND MARCH 27, 2024; (WHICH THE LOWER COURTS RECORDS ARE DEVOID OF SUCH ALLEGED FILINGS); TO INCLUDE THE CLERKS OFFICE; ALTERING OF STATES INDICTMENT SENTENCE SHEETS, ARREST WARRANTS, AND THE CLERKS REFUSAL TO FILE APPELLANTS Briefs-Memorandum-RESPONSES IN A TIMELY MANNER. . . .

Litigants; The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of Deception and Fraud. HAZEL-ATLAS GLASS CO. v. HARTFORD EMPIRE CO. 643 CT. 999: 2002 (1994). Accordingly; Fraud upon the Court is misconduct by an officer of the Court that is directed at the judicial machinery ITSELF. SEE: PLAINTIFF-APPELLANTS-AFFIDAVIT OF EVIDENCE (Exhibits) Attached

Thus; Fraud upon the Court by the Defendants is clearly evident HERE!

ISSUE 11. PLAINTIFF - APPELLANT RESPONSE TO THE CONDITIONAL ORDER OF DISMISSAL.

SUPPORTING FACTS - ARGUMENT - DOCUMENTATION

ON THE DATE OF MAY 31, 2024; THE PLAINTIFF WAS SERVED WITH A COPY OF THE Conditional order of Dismissal v.i.a. S.C.D.C. OFFICER SGT E. MCRAE TO WHICH THE PLAINTIFF SERVED A COPY OF HIS RESPONSE TO THE ORDER OF DISMISSAL UPON DEFENSE COUNSEL; JUDGE JOCELYN NEWMAN; AND THE RICHLAND COUNTY CLERK'S OFFICE MS JEANETTE W. MCBRIDE FOR FILING v.i.a. "CERTIFIED" MAIL ON MAY 24, 2024. SEE: PLAINTIFF-APPELLANTS EXHIBIT - g. (NOTARIZED CERTIFICATE OF PROOF OF SERVICE) ATTACHED (TO INCLUDE AGREEMENT TO DEBIT E.H. COOPER ACCOUNT FORM)

ON THE DATE OF JULY 26, 2024; THE PLAINTIFF WAS SERVED WITH ANOTHER (SECOND) COPY OF THE Conditional order of Dismissal (2024-CP-10-01526) v.i.a. S.C.D.C. OFFICER SGT E. MCRAE TO WHICH THE PLAINTIFF SUBMITTED ANOTHER ORIGINAL COPY OF HIS RESPONSE TO THE Conditional order of Dismissal TO THE RICHLAND COUNTY COURT JEANETTE MCBRIDE FOR FILING WITH HER OFFICE ON JULY 29, 2024.

SEE: plaintiff-appellants exhibit-H (affidavit of plaintiff KEVIN SMITH)

Notarized Certificate of proof of service. July. 29. 2024AD with witness signature (Sandra outlaw) Attached

Thus, The Defendants assertions that The plaintiff failed to file a Christ Response to The Conditional order of Dismissal with The Richland County Clerk of Court is Baseless.²

wherefore, Based upon sufficient facts, Argument and Citation to legal authority, supporting Documentation, submitted By The plaintiff appellant, there exist and is an arguable basis that The Determination By The Lower Court [final order of Dismissal] was improper, warranting The Courts Granting of The appeal, and no Restrictions imposed against The plaintiff-appellant regarding future (meaningful) filings with The Circuit Courts. Respectively. . . .

Kevin Smith

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2. Final order of Dismissal, p1