

The State of South Carolina

In the Court of Appeals

The State, Respondent

v.

Terron Gerhard Dizzley, Appellants

Appellate Case No. 2024-001176

**RECEIVED**

NOV 27 2024

SC Court of Appeals

**EMERGENCY OBJECTIONS TO SOUTH CAROLINA COURT OF APPEALS ORDER DENYING APPELLANT'S MOTION TO PROCEED INFORMA PAUPERIS, EX PARTE MOTION FOR FUNDS TO PAY FOR TRANSCRIPT OF APRIL 18, 2024 HEARING, AND MOTION FOR STAY, EQUAL PROTECTION OF LAWS VIOLATIONS**

Appellant, Terron Gerhard Dizzley, moves before this Honorable Court with “Emergency Objections to Order Denying Appellant’s Motion to Proceed Informa Pauperis, Ex Parte Motion For Funds To Pay For Transcript Of April 18, 2024 Hearing, And Motion For Stay, Equal Protection Of Laws Violations,” on the grounds that: (1) the S.C. Court of Appeals order is an erroneous assessment of the facts of Appellant’s case; (2) is contrary to clearly established South Carolina and United States Supreme Court laws; (3) and sets a dangerous precedent under such circumstances of Appellant’s appeal from an indisputable illegal incarceration.

**STATEMENT OF FACTS**

Appellant contends that the record proves that he filed a timely notice of appeal in the South Carolina Supreme Court pursuant to Judge Bentley Price’s March 15, 2024 order denying his “Permanent Restraining Order And Injunction Pursuant to Double Jeopardy, False Imprisonment, Lack of Trial Court’s Jurisdiction to Impose Sentence,” and civil actions for Unlawful Arrest, Unlawful Pre-trial Detainment, False Imprisonment, and Malicious Prosecution, in the aboved matter against the

Georgetown County Solicitor's Office and the Georgetown County Sheriff's Department. Along with the notice of appeal, Appellant filed a "Motion for Stay," explaining that on April 16, 2024, his false imprisonment story, and the civil actions he filed against the South Carolina Dep't of Corrections and against the Georgetown County Solicitor's Office and Sheriff's Department was aired on Live 5 News, and, on May 21, 2024, Appellant was assaulted by correctional officers and Associate Warden Washington, pepper sprayed, while in hand cuffs, and placed in solitary confinement at Allendale Corrections in retaliation for filing these civil actions.

Appellant also explained in the motion for stay that he was seriously injured, both physically and mentally pursuant to the assault, and did not have any of his legal material or access to resources to effectively appeal the case, and did not know when he would be released from solitary confinement, and asked the Court to hold his civil action in abeyance until he was released from solitary confinement and was competent to respond to the appeal effectively. Appellant also explained that he had already sent his mother an "Emergency Motion to Alter, Amend, Correct and Reconsider" the denial of Judge Price's order before the assault occurred, and had her type it up, and on the same day of the assault, May, 21, 2024, Appellant's mother went to the Georgetown County Courthouse and attempted to file the motion, and the clerk of court told Appellant's mother that Judge Price told her not to file anything else pursuant to the case.

Appellant contends that he also received an order from the Georgetown County Clerk of Court indicating the same, that Appellant could not file anything else pursuant to the aboved case, thus, violating Appellant's First and Fourteenth Amendment rights to access the courts and due process, also resulting in "obstruction of justice," and "fraud upon the court." Appellant also filed a "Motion For Leave To

Proceed Informa Pauperis,” and an “Exparte Motion For Funds To Pay For Transcript Of the April 18, 2024 Hearing,” pursuant to his emergency injunction and civil actions. This is also another reason why Appellant requested that the civil actions be held in abeyance, because he needed the transcript from the April 18, 2024 hearing to effectively appeal Judge Price’s decision on the civil actions. Appellant also attached the “Motion to Alter, Amend, Correct, and Reconsider,” that he attempted to file in the Georgetown County Court of Common Pleas pursuant to the notice of appeal filed to the South Carolina Supreme Court. The South Carolina Supreme without even evaluating the notice of appeal and documents filed with it assumed that the appeal was pursuant to Appellant’s appeal from his unlawful imprisonment that has been pending in the S.C. Court of Appeals since 2022, where Attorney William G. Yarborough was unlawfully forced to represent Appellant, and sent the case to the S.C. Court of Appeals, and the S.C. Court of Appeals issued an order dismissing the case pursuant to “hybrid representation.” Appellant then wrote the S.C. Court of Appeals and explained to the Court that it had made a mistake and the appeal was not the same as the appeal pending under Attorney William G. Yarborough’s illegal representation. The S.C. Court of Appeals acknowledged the error and issued an order reinstating the case, of which Appellant received this order while he was still in solitary confinement at Allendale Corrections.

On October 15, 2024, The S.C. Court of Appeals issued an order dismissing Appellant’s appeal for “allegedly” untimely serving Respondents counsel notice of appeal. Appellant received this order on October 25, 2024, and on November 8, 2024 filed a “Motion to Reinstate Appeal Objections.” (See and incorporate “Motion to Reinstate Appeal and Objections.).

On November 15, 2024, Appellant received the same exact October 15, 2024 order, however, this order also denied Appellant's motion to proceed *in forma pauperis* with one paragraph stating: "Appellant's motion to proceed *in forma pauperis* is denied. See *Ex parte Martin*, 321 S.C. 533, 471 S.E. 2d 134 (1995) (providing the right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right). Because the appeal is dismissed, we declined to rule in Appellant's remaining pending motions." Appellant contends that the Court's order also contained a remittitur indicating that: "The aboved matter is hereby remitted to the lower court or tribunal."

**EQUAL PROTECTION OF LAWS UNDER THE FOURTEENTH  
AMENDMENT OF THE UNITED STATES CONSTITUTION**

Appellant contends that the South Carolina Court of Appeals order denying his motion to proceed *in forma pauperis*, is simply another "cut and paste" order, contrary to South Carolina's own laws cited by this Court in *Ex parte Martin*, 321 S.C. 533, 471 S.E. 2d 134 (1995), and is contrary to clearly established United States Supreme Court laws, and under such extraordinary and emergency circumstances pursuant to an appeal from an "illegal incarceration," is an extreme violation of Appellant's Equal Protection of Laws rights under the Fourteenth Amendment of the United States Constitution. *Ex parte Martin*, 321 S.C. 533, 471 S.E. 2d 134 (1995), citing *Smith v. Bennett*, 365 U.S. 708 (1961), "The issue in these habeas corpus cases concerns the validity, under the Equal Protection Clause of the Fourteenth Amendment, of the requirement of Iowa law that necessitates the payment of statutory filing fees by an indigent prisoner of the State before an application for a writ of habeas corpus or the allowance of an appeal in such proceedings will be docketed. As we noted in *Burns v. State of Ohio*, 1959, 360 U.S. 252, 256, 79 S.Ct.

1164, 1167, 3 L.Ed. 2d 1209, ‘(t)he State’s commendable frankness in (these) case(s) has simplified the issues.’ In its brief, the State conceded that ‘indigent convicted criminals are unable to file a petition for habeas corpus in Iowa.’ We hold that to interpose any financial consideration between an indigent prisoner of the State and his exercise of state right to sue for his liberty is to deny that prisoner equal protection of laws.”

**EX PARTE MOTION FOR FUNDS TO PAY FOR TRANSCRIPT OF  
APRIL 18, 2024 HEARING**

Appellant contends that the S.C. Courts of Appeals order denying his motion to proceed *in forma pauperis*, which clearly violated Appellant’s Fourteenth Amendment rights under the Equal Protection Clause, by using such order, as grounds to make another order stating: “Because the appeal is dismissed, we declined to rule on Appellant’s remaining pending motions,” of which, one of the Appellant’s pending motions was an “Ex Parte Motion for Funds to Pay For Transcript Of April 18, 2024 Hearing,” also violated Appellant’s Fourteenth Amendment rights under the Equal Protection Clause. See also *Smith v. Bennett*, 365 U.S. 708 (1961), citing *Griffin v. People of State of Illinois*, 351 U.S. 12 (1956), “In *Burns v. State of Ohio, supra*, we decided that a State could not ‘constitutionally require \*\*\* an indigent defendant in a criminal case (to) pay a filing fee before permitting him to file motion for leave to appeal in one of its court.’ 360 U.S. at page 253, 79 S. Ct. at page 1166. That decision was predicated upon our earlier holding in *Griffin v. People of State of Illinois*, 1956, 351 U.S. 12, 76 S. Ct. 585, 100 L. Ed. 891, that an indigent criminal defendant was entitled to a transcript of the record of his trial, or an adequate substitute thereof, where needed to effectively prosecute an appeal from his conviction. The gist of these cases is that because ‘(t)here is no rational basis for assuming that indigents’ motions for leave to appeal will be less meritorious than those of other defendant’s,’ *Burns v.*

*State of Ohio, supra*, 360 U.S. at pages 257-258, 79 S. Ct. at page 1168, '(t)here can be no equal justice where kind of trial a man gets depends on the amount of money he has,' *Griffin v. People of State of Illinois, supra*, 351 U.S. at page 19, 76, at page 591, and consequently that '(t)he imposition of the State by financial barriers restricting the availability of appellate review for indigent criminal defendants has no place in our heritage of Equal Justice Under Law.'"

Appellant contends that the transcript of the April 18, 2024 hearing is needed to effectively appeal Judge Price's decision denying his civil actions for malicious prosecution and false imprisonment, for monetary, and punitive damages, therefore, denying Appellant's "Ex parte Motion For Funds To Pay For Transcript Of April 18, 2024 Hearing," violated his Fourteenth Amendment rights under Equal Protection Clause and Due Process Clause.

**HISTORICAL CONTEXT OF HABEAS CORPUS EQUAL PROTECTION OF LAWS UNDER THE FOURTEENTH AMENDMENT**

Appellant contends that, incorporating "Motion to Reinstate Appeal and Objections," and the entire record of his case, and the totality of the extreme circumstances of Appellant's illegal incarceration, which is the gist of his case, and appeal, the S.C. Court of Appeals conduct in refusing to adjudicate Appellant's appeal, by means of falsely making up erroneous procedural reasons to deny every single motion, petition, appeal, etc. to deprive Appellant of his constitutional right to obtain immediate relief from being held illegally incarcerated for ten years and counting violates the historical principles of habeas corpus, and, therefore, also violates the historical principles of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. The writ of habeas corpus is a fundamental safeguard against illegal incarceration, enshrined as a critical mechanism

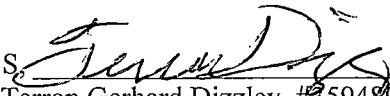
for protecting individual liberty against unlawful detention (See *Boumediene v. Bush*, 553 U.S. 723 (2008)). The purpose of this remedy is to provide a “**swift and imperative**” remedy for individuals to contest unlawful confinement. Denying or delaying access to this remedy is contrary to historical practices and infringes on the rule of law. As established in *Rasul v. Bush*, 542 U.S. 466 (2004), “the Great Writ is not simply a remedy for those held in prisons and jails, but an instrument to secure liberty and to protect fundamental rights.” *Fay v. Noia*, 372 U.S. 39 (1963). *Ex parte Lange*, 85 U.S. 163 (1873) , “The Court initiated what has been described as a long process of expansion of the concept of the lack of jurisdiction. *Lange* contended that he had been twice sentence for the same offence, in violating the Fifth Amendment's Double Jeopardy Clause, when he had been re-sentenced to a term of imprisonment after having paid the fine originally imposed. Carefully disclaiming the use of habeas, as a writ of error, the Supreme Court ordered *Lange* released from imprisonment because the lower court's jurisdiction terminated upon the satisfaction of the original sentence. Where probable ground is shown that the party is in custody under or by color of authority of the United States, and is imprisoned without just cause, and, therefore, has a right to be delivered, “**the writ of habeas corpus then becomes a writ of right which may not be denied,**” as it ought to be granted to every man who is unlawfully committed or detained in prison or otherwise restrained of his liberty. A second judgment of the same verdict is, under such circumstances, “**void for want of power**” and it affords no authority to hold the party a prisoner, and he must be discharged.”

For the foregoing reasons, in the interest of liberty and justice, Appellant respectfully request that this Court adjudicates his appeal in the aboved matter, pursuant his immediate release from being held illegally incarcerated for ten years and

counting, and all motions filed by Appellant pursuant to this appeal in a “prompt” manner in accordance with the fundamental principles of habeas corpus jurisprudence to protect Appellant from suffering further “**irreparable harm.**”

Date: 11-22-2024

Respectfully submitted,

S.   
Terron Gerhard Dizzley, #359480  
4848 Goldmine HWY  
Kershaw Correctional Institution  
Kershaw S.C., 29607



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
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November 04, 2024

The Honorable Alma Y. White  
PO Box 479  
Georgetown SC 29442-0479

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SC Court of Appeals

## REMITTITUR

Re: Terron Dizzley v. Erin Bailey  
Lower Court Case No. 2024CP2200105  
Appellate Case No. 2024-001176

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Terron Dizzley, 359480  
Samuel F. Arthur, III, Esquire  
James Matthew Johnson, Esquire  
J.W. Nelson Chandler, Esquire

# The South Carolina Court of Appeals

Terron Dizzley, Appellant,

v.

Erin Bailey, Scott Hixon, Gregory Hembree, Georgetown County Solicitor's Office, Melvin Garrett, Georgetown County Sheriff's Department, Elaine C. Elliott, and Solicitor Jimmy Richardson, in their individual and official capacity, Respondents.

Appellate Case No. 2024-001176

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## ORDER

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Appellant filed his notice of appeal on June 17, 2024. This court sent Appellant a letter on July 24, 2024 advising him that the proof of service he filed with his notice of appeal failed to show service upon counsel for Respondents. On August 6, 2024, Appellant filed an amended proof of service. However, Appellant still failed to show service of the notice of appeal upon all of the Respondents' counsel. Additionally, Appellant stated in his notice of appeal that he received notice of entry of the order on appeal on May 16, 2024, and his amended proof of service attests he served the notice of appeal on August 6, 2024, more than thirty days later. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days of receipt of written notice of entry of the order on appeal).

Accordingly, this court lacks jurisdiction to hear this appeal, and the appeal is dismissed. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as required by Rule 221(b),

SCACR.<sup>1</sup>



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Oct 15 2024**

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cc:

Terron Dizzley, 359480

Samuel F. Arthur, III, Esquire

James Matthew Johnson, Esquire

J.W. Nelson Chandler, Esquire

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<sup>1</sup> Appellant's motion to proceed *in forma pauperis* is denied. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995) (providing the right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right). Because the appeal is dismissed, we decline to rule on Appellant's remaining pending motions.

In The Supreme Court of South Carolina  
Appeal From South Carolina Court of Appeals

Case No. 2024-001176

Erin Bailey, et al.....Respondents

v.

Terron Gerhard Dizzley.....Appellant

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NOV 27 2024  
SC Court of Appeals

**NOTICE OF APPEAL**

I, Terron Gerhard Dizzley, Appeals the order from the S.C. Court of Appeals in aboved matter dated October 15, 2024. Appellant received written notice and remittitur on November 15, 2024.

Date: 11-22-2024



Terron G. Dizzley #359489  
4848 Goldmine HWY  
Kershaw S.C., 29067

Chandler and Dudgeon  
180 E. Bay St., Suite 200  
Charleston S. C., 29401

Attorney General's Office  
Alan Wilson  
P.O. Box 11549  
Columbia S. C., 29211

Jimmy Richardson  
401 Cleland St.  
Georgetown S. C., 29440

South Carolina Court of Appeals  
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Columbia S.C., 29211

The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia S. C., 29211

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Terron Gerhard Dizzley.....Appellant

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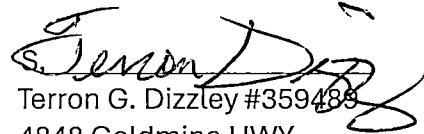
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In The Supreme Court of South Carolina  
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Case No. 2024-001176

Erin Bailey, et al.....Respondents

v.

Terron Gerhard Dizzley.....Appellant

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NOV 27 2024

SC Court of Appeals

**PROOF OF SERVICE**

I, Terron Gerhard Dizzley, certify that on this 22 day of November, 2024 filed a Notice of Appeal in the aboved matter and served it on Respondents by depositing in U.S. Mail, postage prepaid sent to the addresses below:

Date: 11-22-2024



Terron G. Dizzley #859489  
4848 Goldmine HWY  
Kershaw S.C., 29067

Chandler and Dudgeon  
180 E. Bay St., Suite 200  
Charleston S.C., 29401

Attorney General's Office  
Alan Wilson  
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South Carolina Court of Appeals  
Post Office Box 11629  
Columbia S.C., 29211

The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia S.C., 29211

In The South Carolina Court of Appeals  
South Carolina Court of Appeals, Post Office Box 11629, Columbia South Carolina 29211

Case No. 2024-001176

Terron Gerhard Dizzley.....Appellant

v.

Erin Bailey, et al.....Respondents

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NOV 27 2024

SC Court of Appeals


**NOTICE**

Dear Honorable Clerk:

Enclosed, please find one original and one copy of "Emergency Objections to Order Denying Appellant's Motion to Proceed Informa Pauperis, Ex Parte Motion For Funds To Pay For Transcript Of April 18, 2024 Hearing, And Motion For Stay, Equal Protection Of Laws Violations," stamp file please send copy to me.

Date: 11-22-2024

With kind regards,

  
Terron G. Dizzley #358289  
4848 Goldmine HWY  
Kershaw, SC 29056

In The South Carolina Court of Appeals

Case No. 2024-001176

Terron Gerhard Dizzley.....Appellant

v.

Erin Bailey, et al.....Respondents

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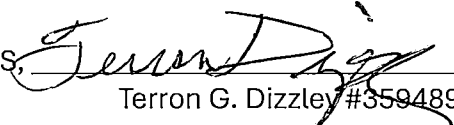
NOV 27 2024

SC Court of Appeals

**CERTIFICATE OF SERVICE**

I, Terron Gerhard Dizzley, certify that I have served "Emergency Objections to Order Denying Appellant's Motion to Proceed Informa Pauperis, Ex Parte Motion For Funds To Pay For Transcript Of April 18, 2024 Hearing, And Motion For Stay, Equal Protection Of Laws Violations," on Respondents by depositing a copy of it in the United States Mail, postage prepaid, on November 22, 2024 sent to the addresses below:

Date: 11-22-2024

S.   
Terron G. Dizzley #359489  
4848 Goldmine HWY  
Kershaw S.C., 29067

Chandler and Dudgeon  
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Georgetown S. C., 29440

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia S. C., 29211

In The Supreme Court of South Carolina  
Appeal From South Carolina Court of Appeals

Case No. 2024-001176

Erin Bailey, et al.....Respondents

v.

Terron Gerhard Dizzley.....Appellant

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**NOV 27 2024**

**SC Court of Appeals**

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In The South Carolina Court of Appeals

Case No. 2024-001176

Terron Gerhard Dizzley.....Appellant

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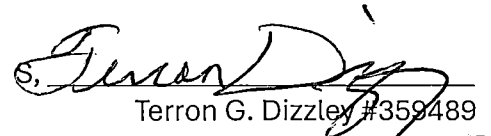
**NOV 27 2024**

**CERTIFICATE OF SERVICE**

**SC Court of Appeals**

I, Terron Gerhard Dizzley, certify that I have served “Emergency Objections to Order Denying Appellant’s Motion to Proceed Informa Pauperis, Ex Parte Motion For Funds To Pay For Transcript Of April 18, 2024 Hearing, And Motion For Stay, Equal Protection Of Laws Violations,” on Respondents by depositing a copy of it in the United States Mail, postage prepaid, on November 22, 2024 sent to the addresses below:

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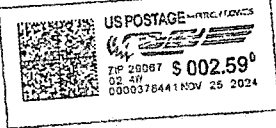
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Ker. C.I., C-B 2  
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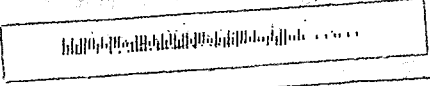
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SC Court of Appeals

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MAIL ROOM

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NOV 27 2024  
SC Court of Appeals



Dizzley  
**LEGAL MAIL**  
359480