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INDICTMENT NUMBERS: 2022 GS0300187  
2022 GS0300188  
2022 GS0300189

~~THE STATE OF~~ JAN 21 2025

~~SOUTH CAROLINA~~ SUPREME COURT

~~VS.~~

~~CLEVELAND MAXWELL~~

CLEVELAND MAXWELL

VS.

STATE GRAND JURY

MOTION TO CHALLENGE GRAND JURY

EMANELMENT DOCUMENTS OF

INDICTMENT FOR WARRANT NUMBERS

2022AO320100031, 2022AO320100032

2022AO320100033 ISSUED IN

THE STATE OF SOUTH CAROLINA

ISSUED TO DEFENDANT CLEVELAND

MAXWELL ON MARCH 18, 2024

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JAN 23 2025

SC Court of Appeals

QUATING: SC. CODE 14-7-1720 NOT LESS THAN 15 DAYS BEFORE THE CONVENING OF THE FIRST TERM OF THE COURT OF GENERAL SESSIONS ON OR AFTER JANUARY FIRST / JULY FIRST OF EACH YEAR THE JURY COMMISSIONERS SHALL PROCEED TO DRAW FROM THE JURY BOX THE NUMBER OF GRAND JURORS WHICH THE CLERK OF COURT OR CHIEF ADMINISTRATIVE JUDGE FOR THE CIRCUIT HAS DETERMINED TO BE SUFFICIENT IN ORDER TO IMPANEL A GRAND JURY. THE GRAND JURY OR JURORS MUST BE RANDOMLY DRAWN / LISTED AS ARE JURORS FOR TRIALS, AND THE JURY COMMISSIONERS SHALL NOT DISQUALIFY OR EXCUSE ANY JUROR DRAWN.

IMMEDIATELY AFTER THESE GRAND JURY (JURORS) ARE DRAWN, THE CLERK OF COURT SHALL ISSUE WRITS OF VENIRE FACIAS FOR THESE GRAND JURORS, REQUIRING THEIR ATTENDANCE ON THE FIRST DAY OF THE FIRST WEEK OF CRIMINAL COURT IN THE COUNTY ON OR

(7)

AFTER JANUARY 1, (FIRST) OR JULY 1, (FIRST) OF EACH YEAR OR AT SUCH OTHERTIME AS THE CLERK OF COURT MAY DESIGNATE, THESE WRITS OF VENUE FACIAS MUST BE DELIVERED IMMEDIATELY TO THE SHERIFF OF THE COUNTY OR OTHERWISE SERVED AS PROVIDED BY LAW. SC. CODE 14-7-1750 STATES "IN ORDER TO RETURN A "TRUE BILL" OF INDICTMENT TWELVE OR MORE STATE GRAND JURORS MUST FIND THAT PROBABLE CAUSE EXISTS FOR THE INDICTMENT, ~~TWELVE OR MORE~~ <sup>C, M</sup> AND VOTE IN FAVOR OF IT. UPON INDICTMENT BY A STATE GRAND JURY THE INDICTMENT MUST BE RETURNED TO THE PRESIDING JUDGE. IF THE PRESIDING JUDGE CONSIDERS THE INDICTMENT TO BE WITHIN THE AUTHORITY OF THE STATE GRAND JURY AND OTHERWISE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE HE SHALL RETURN THE INDICTMENT BY ORDER TO THE COUNTY WHERE VENUE IS APPROPRIATE UNDER SOUTH CAROLINA LAW FOR PROSECUTION BY THE ATTORNEY GENERAL OR HIS DESIGNEE. ~~THE PROSECUTION BY THE ATTORNEY GENERAL~~ THE PRESIDING JUDGE MAY DIRECT THAT THE INDICTMENT BE KEPT SECRET UNTIL DEFENDANT IS IN CUSTODY OR HAS BEEN RELEASED PENDING TRIAL," THEREUPON" THE CLERK OF THE STATE GRAND JURY SHALL SEAL THE INDICTMENT AND NO PERSON SHALL DISCLOSE THE

(3)

RETURN OF THE INDICTMENT EXCEPT WHEN NECESSARY FOR THE ISSUANCE AND EXECUTION OF A WARRANT. SC CODE 14-7-1620. THERE IS ESTABLISHED A STATE GRAND JURY SYSTEM, EACH STATE GRAND JURY CONSISTING OF (18) EIGHTEEN PERSONS WHO SHALL MEET IN COLUMBIA OR AT ANOTHER SUITABLE PLACE IN THIS STATE DESIGNATED BY THE CHIEF ADMINISTRATIVE JUDGE OF THE JUDICIAL CIRCUIT IN WHICH THE ATTORNEY GENERAL SEEKS TO IMPANEL A STATE GRAND JURY FOR A TERM PROVIDED. TWELVE (12) MEMBERS OF A STATE GRAND JURY CONSTITUTE A QUORUM. EACH SC CODE OF LAW LISTED ABOVE IS NOW BEING CHALLENGED BY PLAINTIFF, AND IS ASKING THAT A FRANKS HEARING BE CONDUCTED CONCERNING EACH ABOVE NAMED INDICTMENT NUMBERS, AND PLAINTIFF IS ASKING THAT THE COURT COMPEL THE LOWER COURT OF ALLENDALE COUNTY TO PRODUCE DOCUMENTS OF EACH CODE OF LAW, AND DUE PROCESS OF CRIMINAL PROCEDURE OF THE LAW. SEE EVANS VS. STATE 611 S.E. 2d 570, 363 S.C. 495 (SC. 2005) PLAINTIFF HAS THE RIGHT TO REVIEW ALL DOCUMENTS CONCERNING THE INDICTMENT OR INDICTMENTS AGAINST HIM. HERE PLAINTIFF DOES NOT BELIEVE HE WAS EVER LEGALLY INDICTED ON OR OF ANY OF THE NOTED ABOVE WARRANT NUMBERS MENTIONED AND BELIEVES THE INDICTMENT FORMS

(4)

HE WAS GIVEN IS A SHAM LEGAL PROCESS, AND IS ALSO A VIOLATION OF SC. CODE 17-23-90, AND ALSO A VIOLATION OF RULE 3. OF THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE SECTIONS (a) TRANSMITTAL TO CLERK (b) TRANSMITTAL TO SOLICITOR (c) ACTION ON WARRANT (d) EXTENSIONS OF TIME (e) RECORD OF RECORDINGS SC. CODE 17-23-90 STATES IF ANY PERSON COMMITTED FOR TREASON OR FELONY, PLAINLY AND SPECIALLY EXPRESSED IN A WARRANT OF COMMITMENT, UPON HIS PRAYER OR PETITION IN OPEN COURT THE FIRST WEEK OF THE TERM TO BE BROUGHT TO HIS TRIAL SHALL NOT BE INDICTED SOME TIME IN THE NEXT TERM AFTER SUCH COMMITMENT, THE JUDGE OF THE CIRCUIT COURT SHALL <sup>cm</sup> ~~NOT~~ UPON MOTION MADE IN OPEN COURT THE LAST DAY OF THE TERM EITHER BY THE PRISONER OR ANYONE IN HIS BEHALF, SET AT LIBERTY THE PRISONER UPON BAIL, UNLESS IT APPEARS TO HIM UPON OATH MADE THAT THE WITNESSES FOR THE STATE COULD NOT BE PROVIDED AT THAT SAME TERM, AND IF ANY PERSON COMMITTED AS AFORESAID, UPON HIS PRAYER OR PETITION IN OPEN COURT THE FIRST WEEK OF THE TERM TO BE BROUGHT TO HIS TRIAL SHALL NOT BE INDICTED AND TRIED THE SECOND TERM AFTER HIS COMMITMENT OR UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM HIS IMPRISONMENT. HERE PLAINTIFF DOES NOT BELIEVE HE WAS EVER LEGALLY

(5)

INDICTED ON ANY OF THE ABOVE INDICTMENT NUMBERS DUE TO THE INDICTMENT NUMBERS DO NOT MATCH THE WARRANT NUMBER CHARGE PLAINTIFF WAS CONVICTED OF, HERE THE INDICTMENT NUMBER 2022GS0300187 STATES THE CHARGE OF ASSAULT & BATTERY, FIRST DEGREE "HOWEVER," THE WARRANT NUMBER FOR THAT SAME INDICTMENT NUMBER STATES THE CHARGE OF ATTEMPTED MURDER AS WELL AS INDICTMENT NUMBER 2022GS0300189 STATES DOMESTIC VIOLENCE BUT THE WARRANT NUMBER FOR THAT SAME INDICTMENT STATES ATTEMPTED MURDER. PLAINTIFF IS NOW ASKING THAT A FRANKS HEARING BE CONDUCTED TO PROVE THE VALIDITY OF THE GRAND JURY EMPANELMENT TO PROVE AT HIS COURT APPEAL THAT HE WAS NOT LEGALLY INDICTED AND WAS NOT IN FORM OF DUE PROCESS OF THE LAW WHICH WOULD INTURN BE A VIOLATION OF PLAINTIFFS THIRD/FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION, AND FURTHERMORE DEMANDS THAT ALL DOCUMENTS CONCERNING THE ABOVE RIGHT SIDE CAPTIONED INDICTMENTS ~~RETAINING~~<sup>CM</sup> PERTAINING TO THE WARRANT NUMBERS PROVIDED BE DELIVERED TO PLAINTIFF AS PART OF HIS LEGAL RIGHT TO OBTAIN.

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JANUARY 13, 2025

Cleveland Maxwell

CLEVELAND MAXWELL #394441

MCDOWDAL CI (C2-D-8)

1516 OLD GILLIARD RD

RIDGEVILLE, SC, 29472

CLEVELAND MAXWELL #394441  
MCDONALD CT (C2-D-8)  
516 OLD Gilliard RD  
RIDGEVILLE, SC. 29472

CHARLESTON SC 294  
17 JAN 2025 PM 1 L



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COA

S.C. SUPREME COURT

SOUTH CAROLINA SUPREME COURT

LEGAL MAIL

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JAN 23 2025

~~1220 SENATE STREET~~

P.O. Box 11330

SC Court of Appeals

Columbia, SC 29211

SCDC  
Christmas  
Packet

29211-133030

