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**Jan 24 2025**

**SC Court of Appeals**

**The Supreme Court of South Carolina**

HONORABLE PATRICIA A HOWARD  
CLERK OF COURT  
POST OFFICE BOX 11330  
COLUMBIA, SC 29211

ALBERT SIDERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT,

---

Albert E. Siders #262284  
Lee C.I. F6/A1116  
990 Wisacky Hwy  
Bishopville, SC 29010

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**S.C. SUPREME COURT**

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ARGUMENT

Trial counsel was ineffective for failing to sufficiently challenge the admissibility of all evidence that was introduced during trial on April 21, 2015, to prosecutorial misconduct failing to object for the introduction of fabricated evidence. Petitioner is serving a life sentence without parole based off of a number of amendment and trial procedure violations that have been sustained by a failure to accept facts and overwhelming evidence repeatedly provided by petitioner to the State of South Carolina judicial system. This is backed by the absence of evidence presented by the State in all PCR proceedings including the most recent evidentiary hearing in which the State only managed to cross-examine petitioner with no tangible evidence presented. (the State has NEVER presented any chain of custody evidence after two court orders were issued by Judge Goldsmith and Judge Hood prior to PCR hearing held on November 27, 2023, or any video after trial to support false conviction)(see App.319-324)(see App. 103-110) No chain of custody for all evidence presented at trial. (SC Rule 901, 404.30/chain of custody, 444.116 video evidence and SC Rule 1001, all these SC rules were violated before and during trial on April 21, 2015 and during PCR hearing November 27, 2023)..3

CONCLUSION .....

PETITION TO BE IMMEDIATELY RELEASED BASED OFF VIOLATION OF AMENDMENT RIGHTS AND FALSE CONVICTION FROM FRAUDULENT TRIAL AND FABRICATION OF EVIDENCE.....

## ISSUES PRESENTED

1. Ineffective assistance of counsel in that counsel
  - a. failed to adequately investigate applicant's case
  - b. failed to interview potential witnesses on behalf of defense
  - c. failed to give adequate legal advice leading up to trial
  - d. failed to investigate applicant's defense for the case

Applicant alleges his sixth and fourteenth amendment rights were violated under the United States Federal Constitution.

2. Defense counsel was ineffective for failing to file the necessary motions with the court and law enforcement to ensure that all physical evidence in this case was properly maintained and preserved with a chain of custody. In addition, applicant did not have an equal opportunity to access the evidence before trial. Rule 5 – Motion Discovery
3. Defense counsel failed to prepare and present a defense to the applicant's charges where the benefit of retaining the right to the last argument was significantly outweighed by the need to explain circumstances and evidence that were readily available and which, left unrefuted, were highly prejudicial to the defense.
4. Applicant asserts that the defense counsel failed to sufficiently challenge the admissibility of all evidence that was introduced to trial ten months after the denial of continuance without a chain of custody. Without this key documentation, there was no way to authenticate the validity of any of the State's evidence and it was highly prejudicial to the applicant's defense and due process rights during trial.
5. Defense counsel was ineffective for failing to object to prosecutorial misconduct by the introduction of fabricated evidence by the State which falsely depicted a version of the robbery that did not occur.
6. Applicant alleges that defense counsel quietly allowed the State to use enhanced and altered video evidence in order to secure a desired and pre-meditated verdict. The fabricated video evidence, which did not show a date and time stamp, depicted a hostile and threatening scenario in which "claimed" applicant is shown pointing and waving a BB handgun in the presence of the store clerk which was further supported by the perjured testimony of Jurnell Washington and Detective Delanty Langerfeld. (since the original trial, the State has never used this evidence in any PCR appearance or on November 27, 2023 which was for the purpose of viewing evidence pertaining to the trial.)

See App.144-145, issues pertaining to 1. a,b,c, and d above.

See App.103-110, issues pertaining to paragraph 2,3,4,5, and 6 without any objection trial counsel David S. Matthews was ineffective in violation of petitioner's 6<sup>th</sup> and 14<sup>th</sup> amendment Constitutional rights

## STATEMENT

I, petitioner Albert Edward Siders, was convicted of kidnapping, armed robbery, and possession of a weapon during the commission of a supposed violent crime during a jury trial held at the April 2015 term of the Colleton County General Sessions Court before Judge Thomas W. Cooper. I have maintained that this verdict was based off of fabricated evidence, suppression of defense, and perjured testimonies. The State's inability to present any evidence since the initial trial supports my claim. I was sentenced to life imprisonment without parole. App. 68-291. David S. Matthews, Esquire, represented me at trial, and Assistant Solicitor Steven H. Knight prosecuted the case. Petitioner appealed, but the case was affirmed on appeal. See State v. Siders, Op. No. 2017-UP-429 (Ct. App. 2017). Assistant Appellate Defender Laura R. Baer represented petitioner on direct appeal.

On December 7, 2017, petitioner filed a PCR application with the Colleton County Office of the Clerk of Court. App. 293-299. The Respondent filed a Return on October 26, 2018. App. 300-304. A PCR hearing in the case was convened on November 27, 2023, before Judge Roger M. Young, Senior. App.306-349. Petitioner was present at the PCR hearing and represented by Chelsey Marto, Esquire, and Assistant Attorney General Bryan Hall appeared at the hearing on behalf of the State for the purpose of bringing tangible evidence to be viewed and ruled on. As has been the custom of the State, they did not bring any tangible evidence, nor did Chelsey Marto succeed in bringing the key video evidence the PCR hearing was largely centered around.

On May 2, 2024, Judge Young filed an Order of Dismissal in the case therein denying post-conviction relief to petitioner. App. 351-359. The critical question that remains to be answered is why? And how? Petitioner appealed Judge Young's Order of Dismissal. This petition follows to answer the question I have asked myself countless times since my trial: Why am I still incarcerated for a type of crime I did not commit? The answer rings loud and true. It's because those in authority have ignored the facts of my case and have determined to keep me locked away for life. This is my truthful account.

See App.319-324, State assistant attorney general Mr. Hall failed to produce video evidence that supported April 21, 2015 trial transcript

See App.103-110, nor did Chelsey F. Marto bring the original video evidence that supports petitioner's defense to refute and contradict State assistant attorney general Mr. Hall's statement during cross-examination at PCR evidentiary hearing. See App.343-344 and App.347 lines 24-25 App.348

## ARGUMENT

I am making this petition for Writ of Centiorari known to the South Carolina Supreme Court, the Department of Justice, and NBC Dateline because of the history of my case and the injustice that has followed due to willful ignorance in the eyes of court officials in the state of South Carolina. My issues have been ignored and thrown to the side in the interest of keeping me falsely imprisoned by the use of false evidence and perjured testimony. Please consider all issues presented, statements, arguments, and conclusion detailed in this petition. Following my arrest on February 21, 2014, I took my story into my own hands to explain to Federal Judge David C. Norton on how I ended up where I was: a man who ended up with the wrong people at the wrong time who coerced me into doing something I had no desire to do because of my record and who I am as a person. I have never been violent or threatening to anyone. It's just not in my nature. Imagine seeing a depiction of yourself doing things you did not do with your life on the line. When you witness a false depiction of yourself displayed in front of people who have the power to make decisions on your life, it leaves an unforgettable impression in your memory, on your psyche. I was in such shock and disbelief that this was happening to me in real life. Months before my trial had taken place, I was reaching out to David Matthews on several occasions that went unanswered. My case should have taken place between July and August at the latest IF the case was as simple as an armed robbery. But my 20-page defense about the truthful events that went on behind the scenes had to have been heavily considered. The initial continuance that was denied meant there was to be no delay in my trial. Yet it was delayed and delayed with no answers as to why and David Matthews did nothing to make the misunderstandings clear and my sixth amendment right to a fair and speedy trial had been forfeited. He did not meet with me to discuss my case. He did not address my initial defense which was made known to the Honorable Judge Perry M. Buckner, Solicitor Isaac McDuffie Stone III, and State Public Defender David S Matthews of the Fourteenth Circuit Judicial Court Jurisdiction in Walterboro, SC. In fact, it

wasn't until February of 2015 that David Matthews seemed to have a light bulb go off and also concluded that he needed to spring into action and file for sixth amendment motion—well too late and only after a plan had been put into place to derail any chance I had at fair trial. This is evidenced by the numerous trial errors that went on during my trial including the suppression of defense from the jury, introduction of evidence without a chain of custody, fabrication of video evidence and perjured testimonies. After 10 months of waiting to be seen for trial, how can the State simply show up to court with evidence that was not properly maintained and had no record of who had access to it and when? After 10 months for all we know, the evidence that was presented during my trial could have been purchased or pulled from anywhere. Ten months is a very long time for evidence to be sitting around unaccounted for. The reality is that none of the evidence admitted into court can be proven to be mine. In addition, the fabricated video evidence presented to the jury had no date and time stamp displayed during the recording. How was this allowed in the court of law? David Matthews sat idly by watching with no objection all the while having access to the original surveillance video which myself and family still currently have. David Matthews and Prosecutor Steve Knight knew what actually happened. The video introduced during my trial in April 2015 is the result of what happens when a speedy trial is not granted, and time is granted to create a false narrative which is also why my 20-page was purposely not presented to the jury during the trial. What gave the parties involved the audacity to carry out this plan? It appears there was a mutual understanding within the court system and no fear of repercussions from all the mis-trial proceedings that took place. All this was made known in my formal complaint sent out to 11 representatives of the just system and outreach networks before the most recent hearing on November 27, 2023.

See App.145, lines 9-21

See App.310-319, supports paragraph above that my 20 – page defense was made known to all 14<sup>th</sup> circuit court officials on June 26<sup>th</sup>, 2014

See App.279, lines 13-25, see App.280, lines 1-8, this is where the jury made their deliberation Also see App.2-8 when petitioner appeared before Judge Goldsmith and was denied a continuance during the July 21<sup>st</sup>-25<sup>th</sup> general sessions for the upcoming month of August, 2014

Focusing on the most recent hearing we can see the continued behaviors persist during the hearing. The sole purpose of the hearing was for the State and myself, represented by Chelsey F. Marto, to present evidence proving the authenticity of video evidence and supporting evidence that led to my conviction. Given the history of PCR court appearances that I've been a part of, the State has not once ever reproduced or used the evidence used against me at my trial. Why is that? Why would the State have hard, factual evidence against any convicted person and refuse to use it in their favor? The fact that the late James K Falk was given the opportunity to endlessly ask for continuance, not on my behalf, played into the State's hand not to have to produce anything. There were never any objections as to why Mr. Falk needed so much time to get what he needed to represent me. The State seemed perfectly fine with this pattern and not out of the kindness of their hearts. These are the same people who marched into court without

a chain of custody with a video that had no date and time stamp on it with a false depiction of me robbing the convenience store. They had no reason to allow Mr. Falk or myself time to build up a good case against them. This was all by design. So, what did the State do instead of presenting evidence on November 27, 2023? They showed up to court, empty-handed and used the time to cross-examine me and reminisce about what already happened years ago instead. The whole time Mr. Bryan Hall was questioning me about a robbery that was conducted in a way that was not me, he should have had the video on display for the court to see. After all, if the State had solid evidence against me surely this was their time to have it on display. For all the previous appearances they used James K. Falk as a shield to mask their lack of evidence against me. Now that the late attorney Falk is no longer here to shield them, they still have nothing to support their false conviction except the continuation of false allegations. After nine plus years of idleness why would the State not have any evidence to present? Why did Mr. Hall come to court to read from an old transcript when we were there to present evidence proving whether the video was tampered with or not? Now we only have evidence of the tampered video which, while skipping minutes at a time on various camera angles, supports my 20-page defense and my testimony at this hearing. Because the State never once presented this evidence at any other time or at this evidentiary hearing, we can clearly understand that this could not have been the same evidence used against me during my trial. In fact, in the failure of Chelsey Marto bringing the key evidence which I sent out along with my formal complaint ahead of this trial, the State should have had their own copy of the same video at their disposal to present IF there was only one version of the video. To further drive this fact home, let me remind the court that the State was previously court-ordered to produce the original evidence and chain of custody documents pertaining to the trial of April 2015 on two separate occasions by Judge Goldsmith on November 06<sup>th</sup>, 2019 and Judge Hood on February 24<sup>th</sup>, 2021. The State has simply gone on as if these court orders never occurred and no one has checked them on their inability to produce these documents. All the while, their silence and willful dismissal of these two court orders today only proves that they used another video. A video that I assume no longer exists. Mrs. Marto's negligence, like James K. Falk's continuances, only served to shield the State as a whole from once again acknowledging the truth of their guilt and misconduct. It bought the State time to continue covering up what is abundantly apparent and produce a watered-down excuse of a judge's order devoid of merit or based on the facts of the surveillance video which I will address shortly.

See App.342, lines 14-25 and App.343-345, and App.346, lines 1-4. This supports the Constitutional violations of the 6<sup>th</sup> and 14<sup>th</sup> amendments due process rights during trial April 2015. The complete trial is clearly proven to be a fraudulent trial.

See App.310 lines 20-25, see App.311-319, lines 1-14. There is absolutely no evidence that the State used against me to fairly prove their case. No one who has represented the State prosecution can refute or negate the facts that the petitioner's trial was not a fair trial, a miscarriage of justice when the State prosecution knowingly used and introduced fabricated evidence in order to deceive and procure a planned-out conviction and false imprisonment

created by the State in violation of the petitioner's due process rights.

In Mrs. Marto's direct examination of David Matthews, she asks him about the video that no one could remember to bring to court that day. Mr. Matthews claims to have done the best he could, yet this same attorney never met with me from July 2014 until April 2015 just weeks before my trial. My letters about when my case would be heard-- unanswered. I have proof of this. Mr. Matthews is on record of actively and successfully conspiring with State Prosecutor Steve Knight and Judge Thomas W. Cooper during a colloquy to suppress my detailed defense explaining the circumstances leading up to my arrest from the jury. I have already provided a copy of this court record. If that's what he believes was his best, then I can agree it was his best effort to help the State commit fraud against the court and violate my 14<sup>th</sup> amendment rights. Again, this has been made known in my formal complaint before the trial on November 27, 2023. Mr. Matthews lies in saying that he met with me to discuss the video because it simply never happened. The fact that he says it didn't really matter how the robbery took place is ridiculous and careless. My original argument and defense were coercion but that was before false evidence came into play. If the State hadn't introduced fabricated evidence without a chain of custody during my trial and suppressed my defense from the jury, then I would have had to prove my innocence based off of that. The jury never got the benefit of making a fair and just ruling because these two things transpired. They never heard the back story of what led to the coerced robbery, and they never witnessed the current video that we have which matches my initial defense. However, when foul play comes into play because of tampered evidence being presented as fact to gain a conviction, then that changes everything including my original defense. I never claimed that either David Matthews or Steve Knight tampered with the video evidence but only that they knowingly introduced it in court which I reiterate, was introduced at trial after 10 months with not one ounce of a chain of custody. Again, Mr. Matthews didn't file a sixth amendment motion until February of 2015. Why did he wait eight months to file a sixth amendment motion when I had been reaching out to him expecting to go to trial on the 21<sup>st</sup> of July or any other time in the second half of 2014? At the very least he agreed that the situation leading to my identity being exposed made sense. Finally, Mr. Matthews finishes up his time with another lie in that I was concerned about the video being tampered with from the beginning. How could I have had concerns that Mr. Matthews would have known about if we never met and never sat down to discuss my case prior to trial except to announce that I would be going to trial in April? Again, I have proof of the letters I sent to Mr. Matthews that I never received a response from. The fact is that I was completely blindsided. I did not know what to expect heading into trial. I had no idea that the State was going to introduce fabricated evidence.

See App.144-156, lines 1-3. This is in support of paragraph above where trial counsel David S. Matthews and State Prosecutor Steve H. Knight, and trial judge Thomas W Cooper agrees in Brady violation to suppress my letter of defense from the awareness of the jury who never

knew anything about a 20 page letter explaining my defense nor the original video evidence that displays the alleged robbery in support of my defense without the pointing of the BB gun. (see App.333, lines 21-25, also see App.334-338, lines 1-3)  
See App.29 lines 16-25, See App.30, lines 1-2.

During the cross-examination by Mr. Hall, Mr. Matthews continues to try and downplay whether the way the robbery took place mattered when that became the crux of the trial in my appeals. Before heading into trial, my defense was coercion. When the State introduced fabricated evidence with no chain of custody during the trial, my defense completely changed. There's a huge difference between presenting a bb gun at your side (what actually happened) and waving it and sticking the bb handgun in the store clerk's face (what the State falsely presented) as Steve Knight originally concluded with at my trial. There's a huge difference between immediately questioning the store clerk when you enter the store (what actually happened) and having to wait for the store clerk to stop crying and gain her composure because she was shaken up so badly (what Deputy Delanty Langerfeld falsely testified). It really is no wonder that neither party actually brought in evidence because all of these false claims would have been dismantled publicly in front of everyone which they have done their best to avoid. It's almost as if Mr. Matthews is saying it doesn't matter if the State presented false evidence because that wasn't my initial defense. Does that make any sense? Is this what the justice system has come to where public officials can bypass procedures and standards in place to ensure a fair trial and just show up to court and present anything unaccounted for? The entire trial was a farce from the time I was not able to be seen within a reasonable time and the results of the trial show exactly that. The issue was that I was not protected by David S. Matthews. I was not protected by the law. I was not protected by the South Carolina judicial system. This is the same group that ignored two court orders to produce proof of evidence that has never resurfaced. How can their credibility be considered trustworthy? Mr. Matthews is on record as saying the outcome didn't matter much whether I had a bazooka or a BB handgun which again is irresponsible. The type of weapon used and the aggressiveness or lack thereof shows intent and purpose and can drastically change the view of the jury making a ruling which is why the State felt that they had to introduce a fabricated video to the jury. In the video, which again I had sent out before the hearing on November 27, 2023, I calmly walked into the convenience store in which I presented the BB handgun at my side not waving it at the store clerk or even taking any steps towards her except to retrieve the money and cigarettes. You'd be hard-pressed to even hear what I said to her because I did not raise my voice at her as I instructed her to do her job and call the police. I had every means of hiding my identity with the ski mask I purposely did not use to my advantage. If the jury had seen this video along with being allowed to hear my defense, they certainly would have had every inkling that I was being truthful. What would the purpose be for me to rob a convenience store of my own free will, not use the ski mask that I had sitting on my head, assist the clerk Jurnell Washington in calling the police, and later giving myself up without attempting to discard any of the evidence? Again, that makes no sense because that's not what

transpired. This was an act of coercion, and I made sure not to put Mrs. Washington in any danger or harm.

See App.342, lines 14-25 and see App.343-346, lines 1-7

See App.338, lines 16-25 and App.339-341, lines 1-16

See App.138-154

See App.346, lines 14-25

See App.347, lines 1-19, in violation of SC Rule 3.4 the fairness to opposing party and counsel rule, a lawyer shall not:

- a. unlawfully obstruct another party's access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary hearing value
- b. falsify evidence, counsel or assist a witness to testify falsely or offer an inducement to a witness that is prohibited by law
- c. disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists

In violation of SC Rule 8.4 misconduct a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Also, a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

Suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment irrespective of good faith or bad faith of the prosecution

Finally, having another opportunity to defend myself I was allowed to take the stand a final time. I again expressed my opposition to what David Matthews said. I mentioned the laughing and smirk of the face of Mr. Evans as they took the day, not to present tangible evidence against me, but to perpetuate the lies they had knowingly given. Because I had prepared everything ahead of time, I sent out my formal complaint along with the transcripts, records, documents, and video to eleven different agencies including the South Carolina Supreme court. As stated by Ms. Marto, all this was already in the record and thus did not need to be disseminated at a later time but should have been presented in the presence of all parties that day. After all, why waste a day of court only to argue and reminisce about the validity of evidence instead of having it available to compare the events against the transcript which match up with the fabricated evidence that has never been seen again and never introduced again by the State. It's almost as if they forgot they could use the evidence a second time to prove their story. Except they don't have anything to prove their lies. Which is why the State has never produced any records or evidence since the trial in April of 2015. The State's burden of proof was the fabricated evidence introduced during my trial. Any fair official with even an ounce of awareness would be able to see through the lack of evidence and proof and rightly charge the State and all parties involved with every applicable charge of felony that took place during my trial. I am not the one who deserved to lose a decade of my life but the same people who showed up in court with nothing

but ghost stories are who deserve to be locked away for the outright crimes they committed. Who will hold them accountable for the damage they have done to my life and the lives of my wife, sons, and grandchildren? As I stated, the video that we do have (which shows signs of tampering) does not match with the statements made in the original transcript. This is undeniable proof that the State did whatever necessary to see me locked away for good. Looking at the case in its totality, I have to remind the Court that they were allowed to introduce evidence into trial with no chain of custody after ten months since I should've been seen and over a year that I had been initially arrested. How much can that evidence be trusted? This was also after my sixth amendment rights had been violated. Not one person was able to explain why any of these things were just allowed to happen. Mrs. Washington committed perjury in court in connection with the delays to my initial trial. When I asked about the chain of custody and why it never surfaced during the trial or during the incomplete and false affidavit put together by the late James K Falk and Christopher Watkins, my representative Chelsey Marto did not follow up in questioning the State why this was a fact and neither did Judge Cooper think to get any clarification from them for their actions. I was speaking on my own behalf as I've done from the beginning all the way back in 2014. To this day, I have not had one lawyer who fairly represented me from David S. Matthews to James K Falk to Chelsey Marto. Their guilt further spoke as there were no further questions after my statement and I was quickly asked to step down.

See App.345, lines 1-25

See App.346, lines 1-4

See App.346-347

In the final argument by the State Mr. Hall cleverly says that the burden was on me to prove both deficiency and prejudice, but Mr. Hall should have known that I had already done that prior to the hearing. In my preparation for this hearing, I sent out a formal complaint with all the transcripts, documents, receipts, and the video itself to eleven different agencies and Ms. Marto confirmed that they were on record. I have presented more proof than the State has even dreamed of. This is because the State knows what they have done and that they have nothing they can factually prove to get themselves out of the lies they dug during my trial. He was ignorant in saying that I have not met the burden of proof. I have exceeded the burden of proof while the State has hidden behind a corrupt justice system that has shielded them for over a decade. The crime I confessed to in my 20-page defense was a result of coercion and was not shown during my trial. I cannot confess to the fabricated video the State introduced during my trial. Mr. Hall cleverly tries to use a play of words which I very well defended and clarified when he cross-examined me earlier. The State is the one with no proof. It's funny that he closes with the State having overwhelming evidence because not one person has seen in since April 2015. Does the State know they have this overwhelming evidence, or have they forgotten it since my initial trial? Maybe they forgot to bring it for this hearing as well. The State has nothing and the proof that the jury would not have found me guilty regardless of video, is the State's use

of fabricated video evidence that was improperly maintained and presented without a chain of custody after over a year's time. If the video didn't matter, then the State would not have gone to the lengths it did, and the jury would have had the opportunity to decide based on facts. This speaks louder than any words or closing argument Mr. Hall could come up with.

In Ms. Marto's closing argument, she beautifully summarizes my defense. Still, in failing to have the video present at the hearing, which was the point of meeting, she bought the State time in not having to face the facts publicly and on record. The case should've been decided upon immediately on the 27<sup>th</sup> as it does not take more than a few minutes to verify that the video and trial transcript do not match up. Mainly, not once am I shown pointing the BB handgun during the robbery. That alone would be enough to have this case overturned and go from there. Secondly the perjured testimonies from Mrs. Washington and Deputy Langerfeld would have only further proved that the video shows one thing, yet the trial transcript shows another thing. Judge Young's final ruling is that he would look at the video, which was the point of the hearing and not recount history all over again in the first place.

App.347-348, PCR closing argument of Ms. Marto

Immediately after the disappointment of not receiving the justice I have been waiting and fighting for since my arrest in February of 2014, I wrote Judge Young, Chelsey Marto and Bryan Hall requesting to be present when the evidence would be viewed having every right to be present as the petitioner, and the nature of what has continued to happen during my case has left me with a healthy dose of distrust that things would be handled fairly. Like my letters to David S. Matthews, my request went not only unanswered, but no explanation was given as to why my request was denied. This type of "behind closed doors" decision is what I was afraid of. What I have learned is often when there is silence there is guilt. While I was waiting for a ruling from Judge Young, I sent him a letter chronicling the facts of the video versus the transcript and exactly what to compare in verifying the video evidence. Here's an excerpt from that letter:

*1. Introduction of evidence: In introducing key and vital information before the court, State Prosecutor Steve H Knight failed to authenticate and properly present the evidence used in trial.*

*No chain of custody was shown or presented before introducing evidence.*

*2. Condition of the video evidence available (that supports my original defense): the video evidence received from Laura R. Baer that depicts the robbery skips minutes of video at a time at different times on multiple camera angles.*

*3. Nature of alleged robbery based on transcript and evidence presented at trial VS actual video evidence available.*

*Alleged robbery which we don't have physical evidence of:*

1. *Hostile and malicious robbery*
2. *Pointing of BB gun at Jurnell Washington*
3. *A distraught store clerk, Jurnell Washington, that needed time to collect herself before Deputy Delanty Langerfeld could ask her what took place*
4. *"Gun stuck in her face" statement in argument by Steve H Knight*
5. *Alleged video that has never resurfaced since trial in 2015 in past PCR hearings to solidify*

*State's proof against my testimony and available video evidence.*

*All of these points are maintained by court records.*

*Available video evidence which supports my original defense sent out months before being seen in court:*

1. *Calm and benign robbery in which voice was not raised*
2. *No pointing of BB gun at Jurnell Washington*
3. *A store clerk, Jurnell Washington, who opens the door for Deputy Delanty Langerfeld and immediately answers his questions about what took place*
4. *A brief encounter in which at no point in time was a gun stuck in the face of the store clerk*
5. *Hard, physical evidence that can be viewed and verified against transcript.*

This was sent to Judge Young highlighting facts not opinion. Therefore, any ruling that did not result in the overturning of my case and immediate release could not be based on anything other than opinion. I waited months for the judge to make his ruling. Just as in the past with James K Falk, my son and power of attorney Rachi Siders began checking in with Chelsey Marto via email to follow up on what should have been decided at the hearing on November 27<sup>th</sup>, 2023. Surprisingly enough, the ruling came only after consistent follow-up and concern after the fact of my son reaching out to Ms. Marto on my behalf.

The Judge's ruling was nothing more than a document thrown together to put to rest the questions raised about why it was delayed. It was not based on what the judge saw vs the transcript and certainly did nothing to address the facts plainly laid out in the previous letter to Judge Young. This was nothing more than a rushed response to the frustration made clear by my power of attorney as was the case with the incomplete and rushed affidavit put together by James K Falk and Christopher Watkins. It is my suspicion that Judge Roger Young simply signed off on a prepared document that he himself did not carefully review. The very first flaw of the order is found in the second sentence of the order:

*On November 27, 2023, an evidentiary hearing convened before the Honorable Roger M. Young, Sr. How could there have been an evidentiary hearing when neither party presented evidence*

but instead relived the events of April 20, 2015? There was no evidence introduced before Judge Young, which as stated was the purpose of being there. The court found that I, petitioner, did not meet the burden of proof but I sent out my burden of proof before this hearing which was backed by Ms. Marto that this evidence was in file. I exceeded any burden of proof by sending out proof of my argument at length and supported by the transcripts, receipts, documents and video file ahead of the hearing absent from any work Chelsey Marto did on my behalf. I did this in order to make sure the truth was told and able to be verified. Under the section TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING, the order states that *Applicant testified that during the robbery, he calmly held a BB gun but did not point it at the store clerk*. Using the video evidence as verification, this is exactly what happened. The judgment order does nothing to confirm this fact or any of the other facts as it pertains to what happened in the video versus the trial transcript. If Mrs. Jurnell Washington testifies that I pointed the gun at her, but the video does not show that then we are able to differentiate lie from fact. At no point in this order are these matters addressed based on what was seen in the video. The judgment order completely dismisses the testimony of Deputy Delanty Langerfeld and what the video actually shows. What we see in the judgment order of dismissal is a document rife with legal jargon and case laws pieced together to make what was being said credible. In fact, the findings of the court are based on the trusted "credibility" of the parties who represented and prosecuted the case. Regardless of the fact that these same officials are on record having discussed how to suppress my defense from the jury. I sent in proof of this. These same parties allowed for the introduction of evidence without a chain of custody a year after I was arrested. These same parties were court ordered twice to produce the original evidence and chain of custody which were ignored, placing them in contempt of court. These same parties showed up to an evidentiary hearing with no evidence to be presented as they have done any time after April 2015. What state entity is going to come to PCR hearing after PCR hearing and allow the petitioner several continuances when you have the hard evidence to put any hope to an end? It would be a huge waste of time and resources to continue this over and over again. The fact is that the State knows they haven't had any evidence since what was introduced at trial in April 2015. This is proven by the fact that they did not meet the courts' orders to present original evidence, and they came to an evidentiary hearing empty-handed and unsuccessfully tried to have me admit a crime in the way the fabricated video showed. That's the best that they can do. The judgment order ignores the facts surrounding and leading up to the trial and does not address my sixth amendment rights being violated nor the fact that the State violate. In summary, the judgement order does not do anything to distinguish opinion from fact based upon the evidence of the video. This is the same type of work seen with the affidavit presented by the late James K Falk and Christopher J Watkins. The video evidence was not compared against the trial transcript, and both works for some reason do not even accuse me of committing the robbery in a threatening and harmful way or pointing and waving the gun in the face of the store clerk. Both works seemingly forgot what the purpose of the video was for and don't even bother confirming if what was described in the trial transcript matches the video

evidence. This same video evidence was never introduced by the State at any time including the day of my trial but received from Laura R. Baer by my family which is why I was able to send a copy to eleven different agencies ahead of the hearing. Any claims of burden of proof not being met are false and inaccurate. Eleven different agencies including the South Carolina Supreme Court received my burden of proof prior to the hearing that took place on November 27, 2023. I made sure the behind-the-scenes work was done.

Chelsey F. Marto was ineffective in failing to do an E-59 following the judge's order. In my questioning of her actions, she was clearly shown to be lying and further hindering the legal process. This can be seen in my letter written to her and her response that I maintain proof of.

## CONCLUSION

Now I'm asking the chief justices to consider my argument and the evidence that has been presented and move into action. As someone who has been wrongfully convicted for almost a decade and imprisoned for almost eleven years, I am anticipating my release from this nightmare and injustice. From the beginning up until now what has happened to me has been intentional and not a coincidence of random occurrences. Based on the evidence that I myself have sent out to government agencies including the South Carolina Supreme Court before the supposed evidentiary hearing and the State's lack of evidence, there is no proof that I committed the crime the State has accused me of. The evidence does not exist. My conviction was based on evidence that was illegally obtained and presented being that it was not introduced with the authentication of a chain of custody, and the jury's decision was based on evidence that was illegally altered for the desired effect of corroborating with the conspiracy that took place during the ten months I was waiting to be seen. This directly violated my 14<sup>th</sup> amendment due process maintained by the US Constitution. The judgment order was nothing more than a legal document that is not based on the facts of the case but the interests of the collective force that are determined to continue with the crimes that have been committed. No one anywhere in the world should ever be sentenced and convicted using evidence that was not factual, that can no longer be found and is not supported by contradicting evidence that does exist in favor of the victim. There must be an immediate and urgent correction of this grave reality that now exists. My voice has been silenced as one screaming in an empty forest. That is why I am making sure my voice reaches far and wide outside to someone who will empathize with what I have been going through and help to right these wrongs if needed. It is my hope that other outside remedies are needed, and this is not to offend or threaten the decision of the courts. This is being done for my own piece of mind to allow someone else to hear my testimony since I have stating my innocence along with evidence and have repeatedly been met with silence, redirection, and the upholding of this false conviction. Recently, I have received hope from recent cases like JJ Valesquez and the Sing Sing files and the amazing work Dan Slepian did in intimately investigating his story who had 95 percent less evidence than what I have readily available. I've read the stories of Sandra Hemme, Christopher Dunn, the Central Park Five, and Marcel Brown-all of these overturned convictions in which murder was involved-and know that my story will be added to this list one day. How is that I was sentenced to death by receiving a life sentence with no parole for a non-violent crime that was forced by coercion in which no weapon was pointed, fired, or any lives put at risk? The justice system has no answer or evidence to this question. Yet the truth remains that my initial defense about the corruption in the state of South Carolina and the events leading up to my arrest is why I have been treated so unfairly and unjustly. The State powers at large have not wanted to answer for the truth. It is my faith and belief that today, the Supreme Court will overturn my wrongful conviction and grant my immediate release. There is nothing left to be proven. I have chronicled the timeline of events and the actions of those involved. Today needs to be a day of action and justice.

**RECEIVED**

JAN 24 2025

S.C. SUPREME COURT

**CERTIFICATE OF PETITIONER**

The undersigned certifies that to the best of her ability this petition for Writ of Centiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information to Appellate Court Filings."



Albert Siders

Petitioner

Albert E. Siders #262284  
Lee C.I. F6/A1116  
990 Wisacky Hwy  
Bishopville, SC 29010

**RECEIVED**

Jan 24 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**  
JAN 24 2025  
S.C. SUPREME COURT

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Centiorari to State of South Supreme Court

**RECEIVED**  
**Jan 24 2025**  
**SC Court of Appeals**

ALBERT SIDERS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELATE CASE NO. 2024-000770

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies that this a true copy of the Writ of Centiorari and Appendix in the above referenced case have been served upon the South Carolina Supreme Court at the primary address.



Albert E. Siders

PETITIONER

FROM:

ALBERT E. JOHNS #262284

LEE C.I. FB/A1116

790 WISKEY HWY

BISHOPVILLE, SC 29010

9589 0710 5270 1995 0487 60

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. READ BY DOTTED LINE

CERTIFIED MAIL



9589 0710 5270 1995 0487 60

Retail



29211

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JAN 16, 2025

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TO:

HONORABLE PATRICIA A. HOWARD

CLERK OF COURT

PO BOX 11330

COLUMBIA, SC 29211

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JAN 24 2025

S.C. SUPREME COURT

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Ready Post.