

COURT The South Carolina Court of Appeals
of JENNY ABBOTT KITCHINGS, CLERK
Appeals

CASE NO. 2023-001221

WRIT OF HABEAS CORPUS
AND AFFIDAVIT,

In case of Fred Freeman

v.

State of South Carolina

Appellant respectfully refer to 381 S. C. 375
Supreme Court of South Carolina

v.

JIMMY TAMSEY,

Opinion

Chief Justice TOAL,

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SC Court of Appeals

In the case, the magistrate held a probable cause hearing on Respondent Jimmy Tamsey criminal charges and dismissed it for lack of probable cause. The circuit court affirmed the magistrate finding. The state in appellant case did NOT appeal to circuit court.

FACTUAL PROCEDURAL BACKGROUND

On December 04/2015 the magistrate held preliminary hearing on the Burglary charge, Armed robbery, weapon charges. The magistrate dismissed all four (4) charges for lack of probable cause, the

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State did NOT appeal,

December 09/2015 Magistrate Judge Disposition(s), dismissed NOT Indicted, 2015A0820200784, 785, 786 and 787.

MOTION TROSTER "NONE Filed by State:

OFFICE OF THE SOLICITOR
NINTH JUDICIAL CIRCUIT,

NO: Indictment - Warrant Numbers,
2015A0820200784, 785, 786 and 787.

Solicitor Bryan A. Alfaro alleges dismissed at preliminary hearing due to SCRIVENER'S ERROR, he further has stated, that Arresting agency obtained NEW WARRANTS for same charges, clock in by clerk of court
15 DEC - 9, PM 3:26

TRANSCRIPT OF TRIAL - MR. ALFARO
PAGES - 33-34, SECTIONS - 16-25, page
34, sections - 1-24, so he was not
indicted on the previous charges
that were dismissed at preliminary
hearing, Additional warrants-Affidavits.

United States v. Gerace, United States
District Court, F. SUPP. 3d 1503 (a),
1515 (c), Submitting a FALSE AFFIDAVIT(S)

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to Court has no objective lawful, bona fide Purpose, All appointed Attorney(s) knew Affidavit(s) to be False and therefore acted corruptly, 18 U.S.C.A. §§ 1503-1515(c).

Petitioner respectfully refer to my Brief, mandamus-writ, filing in general before the Court.

The State elected NOT to APPEAL were Chapter 1 of Title 18 of South Carolina, aggrieved Party can appeal 18-1-30 Tenneker v. Warren - Supreme Court of S.C. 20 S.C. 581/1884-WL 12181, No-appeal or motion were taken by the State, Pursuant to Magistrate order's dismissed Disposition(s) December 09/2015, dismissed NOT Indicted, State v. McKnight, S.C. Code Ann § 14-330 (a) (w) (1976), State v. McKnight 353, 237 S.C. 167, 148, 357 S.E. 2d 205, 209 (1985), 14-5-340, The act of a Court in a matter over which it has no Jurisdiction are Void, Owen v. Baltimore, City Attorney Office, 776 F.3d 379, 390 (4th Cir. 2014); Derek v. Experian Information solution, Inc -

United States Court of Appeals Fourth Circuit, 856 F.3d 337, without jurisdiction a court cannot proceed at all in any cause.

Appellant respectfully ask of the court, as result of following facts, shouldn't I be the respondent?

257 Kan 911 Supreme Court of Kansas, State of Kansas v. Arthur-Wendell Klee, Appellee, as followed upon preliminary hearing in prosecution for felony theft by deception, a district magistrate judge suppressed evidence, found that evidence was insufficient to establish probable cause, and dismissed charges.

State appeal, the Nemaha District court, Keith W. Sproul, J. dismissed appeal, and state again appealed,

The Supreme Court Davis J. held that when district magistrate judge dismisses criminal complaint or indictment for lack of probable cause after preliminary hearing, state is not entitled to de novo preliminary hearing before district judge, but is entitled

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to appeal as matter of right on record, under provision of statute governing state's appeal to Supreme Court from order of district Judge at preliminary hearing dismissing complaint.

324 S. C. 639 Court of Appeals of South Carolina, encompasses only judgment from court which fails to provide proper due process, or judgment from court which lack subject matter jurisdiction or personal jurisdiction.

Rule Civ. Pro 60 (b) (4) may be attached any time.

(Per Curiam) Holding that reasonable time requirement does not apply to 60 (b) (4), because void judgment is a nullity and thus may be attached at any time.

This rule does not limit the power of a court to entertain an independent action to relieve a party from judgment, order, or proceeding, or to set aside a judgment for fraud upon the court, during the pendency of an appeal.

Leave to make the motion must

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be obtained from appellate court.

Petitioner seeks through Appellate Defense counsel Ms. Caudy to make Rule 60 motion to be made before the trial court, and Fraud, but permits relief under Rule 60 (b) (4) and (5) after one year, when the judgment is void. Fraud upon Affidavit's.

That my plea is directly being presented, Mr. Allen Wilson, that I seek reasonable settlement, after nine years of confinement in prison, also based upon following facts →

Freeman V. Arnold
CIA No. 9:22-3249-SAL-MHC,

the charges were disposed as dismissed not indicted on December 9/2015.

Mr. Wilson, I have a family as well.

Lara M. Caudy
Allen Wilson

January 21/2025
Fred Freeman

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The South Carolina Court of Appeals
JENNY ABBOTT KITCHINGS, CLERK

2023-001221 JANUARY 21 / 2025

AFFIDAVIT IN
SUPPORT OF
WRIT OF MANDAMUS

Fred Freeman,

v.

State of South Carolina

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SC Court of Appeals

Writ of Mandamus is presented and set forth some captions already before the court, of six pages, and served to counsel of record and Attorney General Office. Please return clock in copies.

Fred Freeman

cc / Lara M. Caudy
Allen Wilson

SWORN SUBSCRIBED BEFORE
ME January 29th 2025
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES _____

Alexis Danzy

ALEXIS DANZY
Notary Public, State of South Carolina
My Commission Expires 2/6/2033

ct. of
Appeals

Fred Freeman 235180 @3B119
Perry Corr Inst
430 Oaklawn Rd.
Pelzer, S. C. 29669

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2023-01-22

January 21/2025

SOUTH CAROLINA COURT OF APPEALS

JENNY ABBOTT KITCHING, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Dear Ms. Kitchings:

Please find enclosures mandamus writ
and Affidavit. I am enclosed is more
of rule 60(b)(4) and (5) and additional
facts. I do know that there no
dual representation, however I'm
compel to raise United States
Constitutional Violations. Additional
facts the PCR transcript sent to
me is not sign and only eighty
pages.

01/21/2025

cc/

Lara M. Caudy
Allen Wilson

Respectfully, Fred Freeman

Fred Freeman 23518903B119
Perry Correctional Institution
430 Oaklawn Rd
Pelzer, South Carolina 29609

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South Carolina COURT OF APPEALS
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