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THE STATE OF SOUTH CAROLINA
The South Carolina Court of Appeals

SEP 09 2025
SC Court of Appeals

Appellate Case No. 2024-000643

On Appeal from the Edgefield County Circuit Court
General Sessions
Case numbers
2024-GS-19-00052 & 2024-GS-19-00053
The Honorable Debra McCastin, Presiding

The State of South Carolina.....Respondent,

v.

Russell Lewis Walker,.....Appellant.

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The State of South Carolina.....Respondent,

v.

Russell Lewis Walker,.....Appellant.

MOTION TO STAY APPEAL AND FOR A LIMITED REMAND

I, Russell Lewis Walker, proceeding pro se, move this Honorable Court pursuant to Rule 242, SCACR, for an order temporarily staying my appeal and remanding this matter to the Edgefield County Court of General Sessions for the limited purpose of allowing the trial court to hear and rule upon my motion to vacate a void judgment. In support of this motion, I state as follows:

STATEMENT OF FACTS

1. This appeal arises from a guilty plea I entered on April 10, 2024, in Edgefield County. I timely filed my notice of appeal, asserting that my plea was not entered knowingly, voluntarily, or intelligently due to unconstitutional coercion.
2. After I filed my notice of appeal, I discovered a critical and dispositive jurisdictional defect in the record. The official Judgment and Commitment Order, which forms the basis of my conviction, was not signed or entered on April 10, 2024.
3. Instead, the public record reflects that the judgment of conviction was entered against me six days later, on April 16, 2024.
4. I was not present in court on April 16, 2024. I was not represented by counsel on that date, nor was I consulted in any way regarding the entry of judgment against me. The entry of a guilty plea and imposition of a sentence in my absence is a fundamental violation of the Due Process Clause of the Fourteenth Amendment.
5. A judgment rendered in violation of due process, such as one entered in the defendant's absence, is void from its inception (void ab initio). Such a judgment is a legal nullity and has no force or effect.
6. I have prepared a Motion to Vacate Conviction to present to the trial court, arguing that the judgment is void. However, the trial court is divested of jurisdiction to hear such a motion now that a notice of appeal has been filed. See *Hudson v. S.C. Dep't of Highways & Pub. Transp.*, 324 S.C. 245, 478 S.E.2d 839 (1996) (holding that during the pendency of an appeal, leave must be obtained from the appellate court before a motion for relief from judgment can be made).
7. The resolution of my motion to vacate may render the issues I have currently raised on appeal moot. If the trial court determines the judgment against me is void, the conviction will be nullified, and there will be no adverse judgment from which to appeal. This course of action promotes judicial economy by allowing the trial court to correct a fundamental error on its own record.

ARGUMENT

My discovery that the judgment of conviction was entered in my absence presents a threshold question of constitutional dimension that is most appropriately addressed by the trial court in the first instance. This Court has the authority to suspend an appeal and remand a case to the trial court to hear a post-trial motion that may be dispositive.

Given that the judgment is void on its face, a limited remand is the most efficient and just procedure. It allows for the correction of a manifest injustice without the need for full briefing and argument on the distinct issues currently pending before this Court.

CONCLUSION

For the reasons I have stated, the interests of justice and judicial economy warrant a temporary stay of this appeal and a limited remand to the trial court.

PRAYER FOR RELIEF

WHEREFORE, I respectfully pray for an Order from this Court:

- a. Temporarily staying all proceedings in my appeal;
- b. Remanding this case to the Edgefield County Court of General Sessions for the limited purpose of hearing and disposing of my Motion to Vacate Conviction; and
- c. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,



Russell Lewis Walker, Pro se
714 Spearhead Court
North Augusta, SC 29860
(803) 293-0558
Harley74rlw@yahoo.com

The foregoing motion was signed and ~~submitted~~ ^{MAILED} to the clerk for a ruling on ~~August 27,~~ ^{September 4,} 2025

CERTIFICATE OF SERVICE

I hereby certify that on this ~~27th~~ ^{4th} day of ~~August~~ ^{September}, 2025, I served a true and correct copy of the foregoing Motion to Stay Appeal and for a Limited Remand upon the Office of the Attorney General by depositing the same in the U.S. Mail, with proper postage affixed, addressed to:

South Carolina Attorney General's Office

Attn: Criminal Appeals

P.O. Box 11549

Columbia, SC 29211


Russell Lewis Walker

STATE OF SOUTH CAROLINA
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THE STATE,
Respondent,

v.

RUSSELL LEWIS WALKER,
Appellant.

Appellate Case No. 2024-000643

CERTIFICATE OF SERVICE

I hereby certify that on this day, September 4, 2025, I have served a true and correct copy of the foregoing Motion to Relieve Counsel and Proceed Pro Se, Notice of Appearance, Motion to Vacate Judgement, Motion to Stay and temp Remand, Motion to Supplement Record , upon all parties of record by depositing the same in the United States Mail, postage prepaid, addressed as follows:

Alan McCrory Wilson, Esquire	Wanda H. Carter, Esquire
Mark Reynolds Farthing, Esquire	South Carolina Commission on Indigent Defense
Office of the Attorney General	Division of Appellate Defense
Post Office Box 11549	1330 Lady Street, Suite 401
Columbia, SC 29211	Columbia, SC 29201

Very truly,


Russell Lewis Walker

September 4th, 2025