

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 09 2025

THE STATE,

SC Court of Appeals
Respondent,

v.

RUSSELL LEWIS WALKER,

Appellant.

Appellate Case No. 2024-000643

APPELLANT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Appellant Russell Lewis Walker, pursuant to Rule 210(h) of the South Carolina Appellate Court Rules, respectfully moves this Court for an order allowing him to supplement the Record on Appeal with newly discovered evidence that is critical to this Court's review.

In support of this motion, Appellant states:

1. This appeal arises from a judgment of conviction purportedly entered against the Appellant in the Edgefield County Court of General Sessions on April 10, 2024.
2. Appellant has recently obtained a certified copy of his criminal history record from the National Crime Information Center (NCIC). This official record, which was not previously available to the Appellant, constitutes new evidence that was not and could not have been included in the original Record on Appeal.
3. This NCIC report directly contradicts the record before this Court. It shows that no judgment of conviction was entered on April 10, 2024. Instead, it shows a judgment was

entered on April 16, 2024. A true and correct copy of the NCIC report is attached hereto as Exhibit A.

4. This evidence is fundamentally relevant to the issues on appeal, particularly Appellant's arguments concerning the trial court's lack of jurisdiction and the violation of his due process rights. The discrepancy in the judgment date calls into question the very existence and validity of the order from which this appeal is taken.

5. Correction or supplementation of the record is necessary to ensure a just determination of this appeal, as the current record appears to be based on a false premise—namely, that a valid judgment was entered on April 10, 2024.

WHEREFORE, Appellant respectfully requests that this Court grant his motion and order that the attached NCIC report (Exhibit A) be made a part of the official Record on Appeal in this matter.

Dated: September 3, 2025

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Supplement the Record on Appeal has been served upon the following parties by United States Mail, first-class postage prepaid, this 3rd day of September, 2025:

Clerk of Court

RECEIVED

SEP 09 2025

SC Court of Appeals

EXHIBIT A

RED CATCH

CITIZENS ACCESS TO CRIMINAL HISTORIES RESULTS

Date Requested 8/25/2025 1:31 AM

First Name RUSSELL

Middle Name

Last Name WALKER

Sex M

Maiden Name

SSN

Date of Birth

ARREST RECORD

to: *(Arrest Record with the most relevant information)*
for: *LEWIS, RUSSELL WALKER*
This arrest record is for the individual named above and is not intended to be used for any other individual with the same name and interest.

The record is based on a search using the criteria furnished. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

***** CRIMINAL HISTORY RECORD *****

Data As Of 8/25/2025

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number SC02351001 (SC)
Purpose Code E

The information in this rap sheet is subject to the following caveats:

AUTHORIZED USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE (SC)

THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED (SC)

***** IDENTIFICATION *****

Subject Name(s)

WALKER, RUSSELL LEWIS

Subject Description

State Id Number
SC02351001

Sex
Male

Race
White

Height
5'10"

Weight
170

Date of Birth

Hair Color
Unknown

Eye Color
Green

Scars, Marks; and Tattoos

Code	Description, Comments, and Images
TAT L ARM	Arm, left
TAT L SHLD	Shoulder, left
TAT R ARM	Arm, right
TAT R ARM	Arm, right

Place of Birth
GA

Palmprint Images
(No Palmprint Image Transmitted)

Photo Images
Photo Image Available Unknown
(No Photo Image Transmitted)

Caution Information

Notice THIS INDIVIDUAL IS PROHIBITED BY FEDERAL LAW
FROM POSSESSING, RECEIVING, SHIPPING, OR
TRANSPORTING ANY FIREARM OR AMMUNITION.
(SCIII0000; 8/25/2025)

***** CRIMINAL HISTORY *****

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===== Cycle 001 =====
Tracking Number      19D000015191
Earliest Event Date  2019-09-25 Incident Date      2019-08-27
-----
Arrest Date          2019-09-25
Arrest Case Number   2019000269
Arresting Agency     SC0190000 EDGEFIELD CNTY SO
Subject's Name        WALKER, RUSSELL LEWIS
Comment(s)           Palprints Available
Comment(s)           Photograph Available
Charge                01
Charge Tracking Number 2019DR1900059
                    Statute  FAILURE TO APPEAR FOR MISDEMEANOR (17-15-0090
                    (2) SC)
                    NCIC Offense Code 7399
                    State Offense Code 0224
                    Severity  Misdemeanor
===== Cycle 002 =====

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Tracking Number 02D000078739
Earliest Event Date 2019-10-01 Incident Date 2019-06-14

Arrest Date 2019-10-01
Arrest Case Number 19001920
Arresting Agency SC0020300 NORTH AGUSTA PD
Subject's Name WALKER, RUSSELL LEWIS
Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 01
Charge Tracking Number 2019A0220500197
Statute TELEPHONE/UNLAWFUL COMMUNICATION (16-17-430(A)
SC)
NCIC Offense Code 5799
State Offense Code 2553
Severity Misdemeanor

==== Cycle 003 =====

Tracking Number 19D000016969
Earliest Event Date 2021-07-20

Arrest Date 2021-07-20
Arrest Case Number 2021000602
Arresting Agency SC0190000 EDGEFIELD CNTY SO
Subject's Name WALKER, RUSSELL LEWIS
Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 01
Charge Tracking Number 2021A1910100284
Statute POINTING AND PRESENTING FIREARMS AT A PERSON
(16-23-410 SC)
NCIC Offense Code 5299
State Offense Code 0122
Severity Felony
Charge 02
Charge Tracking Number 2021A1910100289
Statute DOMESTIC / DOMESTIC VIOLENCE 2ND DEGREE
(16-25-020(C) SC)
NCIC Offense Code 3599
State Offense Code 3812
Severity Misdemeanor
Charge 03
Charge Tracking Number 2021A1910100283
Statute DOMESTIC / DOMESTIC VIOLENCE 2ND DEGREE
(16-25-020(C) SC)
NCIC Offense Code 3599
State Offense Code 3812
Severity Misdemeanor

Court Disposition (Cycle 003)
Court Case Number 2022GS1900318
Court Agency
Subject's Name WALKER, RUSSELL LEWIS
Charge 04
Charge Tracking Number 2021A1910100289
Statute DOMESTIC/DOMESTIC VIOLENCE- 2ND DEGREE
(16-25-0020(C) SC)
NCIC Offense Code 3899
State Offense Code 3812
Severity No Type
Disposition (2024-04-10; NON-CONVICTION)

Court Comment Court Provision: DISM/NOL PROS/PROS ENDED

Court Disposition (Cycle 003)
Court Case Number 2022GS1900317
Court Agency
Subject's Name WALKER, RUSSELL LEWIS
Charge 03
Charge Tracking Number 2021A1910100284
Statute POINTING AND PRESENTING FIREARMS AT A PERSON
(16-23-410 SC)
NCIC Offense Code 5299
State Offense Code 0122
Severity Felony
Disposition (2024-04-10; NON-CONVICTION)
Court Comment Court Provision: DISM/NOL PROS/PROS ENDED

===== Cycle 004 =====
Tracking Number 19P000502092
Earliest Event Date 2024-04-16

Court Disposition (Cycle 004)
Court Agency
Subject's Name WALKER, RUSSELL LEWIS
Charge 01
Statute ASSAULT/ASSAULT & BATTERY 2ND DEGREE
(16-03-0600(D)(1) SC)
NCIC Offense Code 1399
State Offense Code 3413
Severity Misdemeanor
Disposition (CONVICTED)
Court Comment Court Provision: 3 YEARS SS; CTS 268 DAYS; 1
YEAR PROB PTUP

Corrections (Cycle 004)
Corrections Agency SC019015G EDGEFIELD PPP

Supervision Case Number 324485
Correction Action PROBATION

***** INDEX OF AGENCIES *****

Agency EDGEFIELD CNTY SO; SC0190000;

Agency NORTH AGUSTA PD; SC0020300;

Agency EDGEFIELD PPP; SC019015G;

* * * END OF RECORD * * *

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appellate Case No. 2024-000643

The State, Respondent,

v.

Russell Lewis Walker, Appellant.

**Appeal from the Circuit Court of Edgefield County The Honorable Debra R. McCaslin,
Presiding**

APPELLANT'S MOTION TO DISMISS CHARGES AND VACATE JUDGMENT

Appellant Russell Lewis Walker, appearing *pro se*, respectfully moves this Honorable Court to vacate the judgment of conviction entered against him on April 10, 2024, and to dismiss with prejudice all underlying criminal charges. This motion is based on two fundamental and incurable violations of law and the Constitution: (1) the trial court's lack of subject-matter jurisdiction due to the State's failure to provide a preliminary hearing, a non-waivable procedural right; and (2) the unconstitutional coercion of Appellant's guilty plea, which was the direct product of outrageous and unlawful misconduct by the presiding judge and the prosecutor. In support of this motion, Appellant states the following:

INTRODUCTION

This case presents a catastrophic failure of the judicial process. The proceedings below were not merely flawed by ordinary error; they were corrupted from their inception by the State's denial of a fundamental procedural safeguard and were ultimately consummated by an act of

judicial tyranny. A citizen, Appellant herein, was unlawfully arrested and imprisoned at the personal direction of the presiding judge, who acted without legal authority and in concert with the prosecutor. This unconstitutional seizure was calculated to, and did, break Appellant's will to proceed to a jury trial. The resulting guilty plea is a legal nullity, obtained through duress, and it cannot be allowed to stand. Because the State's misconduct has irredeemably tainted these proceedings and deprived Appellant of his right to a trial by a neutral arbiter, the only just remedy is the vacating of his conviction and the dismissal of all charges with prejudice.

STATEMENT OF FACTS

1. On July 21, 2021, at his initial bond hearing for the underlying charges in this matter, Appellant served a timely and proper written demand for a preliminary hearing. The State never provided this hearing.
2. For nearly three years, the case proceeded despite this fatal jurisdictional defect. On April 9, 2024, Appellant appeared with counsel for a pre-trial hearing before the Honorable Debra R. McCaslin in McCormick County. The hearing concluded, and Judge McCaslin took the pending motions under advisement. Appellant and his counsel then departed the courthouse.
3. After the hearing had officially concluded and Appellant had left, Assistant Solicitor Douglas Wayne Fender II initiated a private, improper *ex parte* communication with Judge McCaslin. During this communication, Mr. Fender made unsworn allegations that Appellant had violated his bond conditions.
4. Based solely on this improper communication, and in the clear absence of all jurisdiction, Judge McCaslin summarily ordered law enforcement to arrest and incarcerate Appellant. This order was issued without a written motion from the State,

without notice to Appellant or his counsel, and without conducting the mandatory hearing required by South Carolina law for bond revocation.

5. Acting on this facially invalid judicial directive, a McCormick County Sheriff's Deputy arrested Appellant without a warrant and transported him to the McCormick County Detention Center, where he was strip-searched and falsely imprisoned.
6. On the morning of April 10, 2024, Appellant was taken from his jail cell and brought back to the McCormick County Courthouse in prison garb. He was presented to Judge McCaslin, the very judicial officer who had orchestrated his unlawful imprisonment the previous day. Under the extreme duress of this unlawful incarceration, and being advised by counsel that he had no other path to freedom, Appellant was coerced into waiving his right to a jury trial and entering a guilty plea.

ARGUMENT

I. The Trial Court Lacked Subject-Matter Jurisdiction, Voiding All Subsequent Proceedings.

It is black-letter law in South Carolina that a defendant's timely request for a preliminary hearing is a jurisdictional prerequisite to the circuit court's authority to hear the case. *See State v. Sossamon*, 298 S.C. 72, 378 S.E.2d 259 (1989). The failure to grant a preliminary hearing upon a timely demand is not a mere technicality; it is a fatal defect that deprives the court of subject-matter jurisdiction. *Id.*

Here, it is undisputed that Appellant made a proper, written demand for a preliminary hearing on July 21, 2021. It is also undisputed that the State wholly failed to provide one. As a result, the circuit court never acquired subject-matter jurisdiction over this case. Every action taken by the court after that point—every hearing, every order, and most critically, the acceptance of Appellant's guilty plea on April 10, 2024—was a legal nullity. The judgment of conviction is void *ab initio* and must be vacated, and the charges must be dismissed.

II. The Guilty Plea is Constitutionally Void as it was the Product of Unconstitutional Coercion and Duress Orchestrated by the Court and the Prosecutor.

A guilty plea, to be valid under the Due Process Clause of the Fourteenth Amendment, must be knowing, intelligent, and, above all, voluntary. *Boykin v. Alabama*, 395 U.S. 238 (1969).

A plea induced by threats, intimidation, or misrepresentation is involuntary and unconstitutional. A plea entered under the duress of being unlawfully imprisoned by the presiding judge herself represents a perversion of this standard.

The plea in this case was the direct and intended result of the coordinated, unconstitutional misconduct of Judge McCaslin and Assistant Solicitor Fender. Judge McCaslin's order to arrest Appellant was not a judicial act; it was an act of personal power taken in the complete absence of all jurisdiction. A judge's authority to revoke a defendant's bond is not absolute; it must be properly invoked. South Carolina law mandates the specific procedure required:

"Upon a verified petition by the solicitor...the court may issue a warrant directing that the defendant be arrested and brought before the court." S.C. Code Ann. § 17-15-55. The statute requires a verified petition and a subsequent hearing.

Here, there was no petition, no verification, no warrant, and no hearing. There was only an improper *ex parte* conversation that prompted a raw order for seizure. This was not an act in "excess of jurisdiction"; it was an act taken in the "clear absence of all jurisdiction," as the court's power to act under § 17-15-55 was never invoked. By abandoning the mandatory statutory process, Judge McCaslin ceased to act as a judge and instead acted as a law enforcement official, personally directing an unlawful arrest.

This unconstitutional seizure created an inherently coercive environment that rendered a voluntary plea impossible. Forcing Appellant to appear for his final hearing in prison garb, after a night in jail at the direction of the presiding judge, sent an unmistakable message: the arbiter was not neutral, the rule of law was irrelevant, and the only path to freedom was

submission. A plea extracted under these circumstances is a product of duress, not of a free and voluntary waiver of rights. It is constitutionally void and cannot stand.

**III. Dismissal with Prejudice is the Only Appropriate Remedy for the State's
Outrageous Misconduct.**

The combination of the State's failure to afford a preliminary hearing and the subsequent conspiracy between the prosecutor and the judge to coerce a guilty plea constitutes outrageous government conduct that has fundamentally corrupted the administration of justice in this case. The integrity of the judicial process has been compromised beyond repair. A new trial cannot remedy this level of misconduct. The Appellant was deprived of his right to a jury trial not by his own choice, but by the unconstitutional machinations of the very state actors sworn to uphold the law. To remand this case for a trial would be to reward the State for its transgression, giving it a second chance to convict a defendant whose will it successfully broke through unlawful means.


The only remedy sufficient to vindicate Appellant's rights and to protect the integrity of the judiciary is to dismiss the charges with prejudice. This Court must send an unequivocal message that our system of justice will not tolerate a process where a citizen's liberty can be stripped away by a judge's lawless whim.

CONCLUSION

For the foregoing reasons, Appellant Russell Lewis Walker respectfully prays that this Court enter an order:

1. Vacating the judgment of conviction entered on April 10, 2024; and
2. Dismissing with prejudice all underlying criminal charges in this matter.

Respectfully submitted,


Russell Lewis Walker, *Pro Se*
714 Spearhead Court
North Augusta, SC 29860

page five of six

(803) 293-0558
harley74rlw@yahoo.com

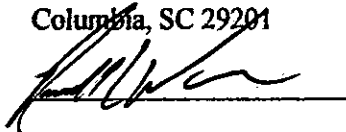
Date: August 18, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served a true and correct copy of the foregoing Motion to Dismiss Charges and Vacate Judgment upon the Office of the Attorney General, counsel for the Respondent, by depositing it in the United States Mail, postage prepaid, addressed as follows:

South Carolina Attorney General's Office Rembert C. Dennis Building 1000 Assembly Street

Columbia, SC 29201



Russell Lewis Walker

Date: August 18, 2025

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

THE STATE,

Respondent,

v.

RUSSELL LEWIS WALKER,

Appellant.

Appellate Case No. 2024-000643

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this day served a true and correct copy of the foregoing ****Notice of Pro Se Appearance**** upon the parties listed below by depositing a copy of the same in the United States Mail, first-class postage prepaid, addressed as follows:

Donald J. Zelenka, Esq.
Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211

Wanda Carter, Esq.
Division of Appellate Defense
S.C. Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, SC 29201


Russell Lewis Walker
Appellant

This the 3rd day of September,

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

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SEP 09 2025
SC Court of Appeals

September 4, 2025

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: The State v. Russell Lewis Walker, Appellate Case No. 2024-000643

Dear Clerk:

Please find enclosed for filing the following original motions in the above-referenced matter:

1. Motion to Relieve Counsel and Proceed Pro Se
2. Motion to Stay Appeal and Remand
3. Notice of Appearance
4. Motion to Supplement Record on Appeal
5. Motion to Dismiss and Vacate
- 6 Certificate of Service

A copy of these motions has been duly served upon all parties of record.

Very truly,

Russell L. Walker

R Walker
714 Spearhead Ct
N. Augustay SC 29860

Retail



29201

RDC 99

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SC Court of Appeals

Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201