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S.C. SUPREME COURT

SOUTH CAROLINA Court
OF Appeals
SOUTH CAROLINA Supreme
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PCI MAILROOM

APPEAL FROM Circuit Court of
Greenville County
General Sessions
13th Circuit

ANTHONY M. Lounds #2274sc
Defendant

v

State of South Carolina
Respondent

)
)
)
)
)

NO. _____
Motion Appeal From
Greenville County 13th
Circuit Court For A
New TRIAL Filed IN
Lower Court Dispute
of Jurisdiction Power
§ 18-1-10

STATEMENT OF CASES

This Action arising out of a prospective Juror in Misunderstanding Question on VOIR-DIRE, by Withheld Information involvement in a VOIR-DIRE Question That The trial Judge Asked. Because of this Misunderstanding Question on Voir-dire. The Answers To The Question put by the Court Necessarily Form The Basis For The Court's excusing a Juror on its Own Motion or Challenges For Cause... The Purpose of Voir-dire examination is To Develop The Whole Truth concerning a

Prospective Juror's Bias or Prejudice, to enable Trial Judge to Determine actual bias and also to enable Counsel to exercise His Intuitive Judgment Concerning prospective bias or Prejudice. Under -Statute 14-7-1020 Court is Judge of actual bias, But Counsel is The Sole and exclusive Judge of Whom He Shall peremptory Challenge For Suspected bias or prejudice.

The Constitution does not provide any Formula or Procedure for the Ascertainment of a mental Attitude or State of Mind From Which Requisite impartiality is to be determined.

Petitioner Seek's Relief From This Honorable Court From this Constitutional principles Now Recognized That Were not Available at his Trial, Appeal, and Exhaustion of State (P.C.R) post conviction Relief Proceedings. ■ Rowell v. State 906 S.E. 2d. 554 - 557. (2024). Abandon the intentional versus UNintentional. Failure of Juror to Respond material Voir dire Questions, The Juror to disclose Pertinent Facts, and Because of That Fact Petitioner was denied The Statutory Right of Peremptory Challenge. The Right of Challenge includes incidental Right That Information elicited on Voir dire examination Shall be True.

Denial or Substantial impairment of Statutory Right of Peremptory Challenge is prejudicial to The Constitutional Right impartial Jury. The 6th and 14th Amendments of The United States Constitution and owe South Carolina's Constitution. Right of Peremptory Challenge For Suspicion of Bias or Partiality is Traditional, Arbitrary and Capricious and it Must be exercised with Full Freedom or it Fails of its Full purpose. Failure of Juror #40 Ms. Debra Cue To not Answer to The Question During Voir dire, That Clearly Applied to her Particular Situation had the effect of Nullifying The Rights of peremptory Challenge.

Trial Court's Failure to inquire Regarding The Significant Nature. Ms. Debra Cue being (Victim of Same Crime). Petitioner on Trial For had the effect of Nullifying the Statutory Right to peremptory Challenge Ms. Debra Cue For Actual bias, Suspected Prejudice. Petitioner was Denied The Statutory Right To Strike a Genuine Prospect of Actual Bias. The Trial Court, Subjected Petitioner To Manifestly Unjust procedure Resulting in A Miscarriage of Justice. Fundamental Fairness.

Juror #40 Personal experience back to The Jury Room Thus Denied Petitioner a fair Trial and ~~impartial~~ ^{impartial} Jury, Guaranteed by The 6th and 14th Amendment Right of the United States and South Carolina Constitution.

The Questions put by The Court Necessarily Form The Basis For The Court's excusing a Juror ON its Own Motion or Challenges. For Cause, Had Juror #40 Ms. Debra Cue Given a Correct Response to Question put by Trial Court "Whether Any Member of The Panel or Family Was Victim of Violent Crime", Petitioner Would have Stricken A Genuine prospect of Actual bias Through the use of Statutory Right Peremptory Challenge.

Trial Court inquire whether Would That Effect her ability To be fair and impartiality Was improper The Trial Court Failed to inquire Regarding The Significant Nature of the With Held information during voir dire Trial Court's Remedy to Reduce the prejudice was ineffective As Juror #40 Carried personal experience Back To The Jury Room Thus denied petitioners Right to impartial Jury Gaurateed by The 6th and 14th Amendment of The United States Constituional Rights. This Appeal Comes From

This Appeal Comes From The Lower court And
Was Told That This court has No Jurisdiction
Over This Proceeding in this Case.
Now Bring This Motion to This Court in its
"Original Jurisdiction"...

CONCLUSION

WHEREFORE: The Petitioner Respectfully
Submits That Good Cause Exists For The Court
Has Authority Over This Case and
Jurisdiction to here Issues and Argument.
The Respondent Further Represents To The
Court That The opposing Parties do not Object
To This Appeal.

s/ Anthony Lounds
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