

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CA

CASE DOCKET NO. 2025-001856

RECEIVED

OCT 02 2025

APPEAL FROM THE COUNTY OF KERSHAW
IN THE COURT OF GENERAL SESSIONS

SC Court of Appeals

APPLICATION FOR FORENSIC DNA TESTING
CASE NO. 2004-GS-28-00385

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE ET.
AL.,

APPELLANTS-PETITIONERS

Vs.

THE STATE OF SOUTH CAROLINA; THE COUNTY OF KERSHAW,

RESPONDENTS-APPELLEES

APPELLANT INITIAL BRIEF

LAWRENCE L. CRAWFORD
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

THE S.C. ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA, S.C. 29211

RESPONDENT

APPELLANT

~~TABLE OF AUTHORITIES~~

TABLE OF CONTENT

LEGAL ISSUES ON APPEAL.....III-V

TABLE OF AUTHORITIES.....VI-VII

STATEMENT OF CASE.....1-8

LEGAL ARGUMENT.....9-34

CONCLUSION.....34-

LEGAL ISSUES THAT ARE ON APPEAL

(1) WAS JUDGE NEWMAN REQUIRED TO RECUSE HERSELF DUE TO SHE SITTING UPON THE PRIOR CASE SEEKING THE TESTING OF THE DNA UNDER CASE 2013-CP-400-0084 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS WHERE MOTION TO VACATE THE FINAL ORDER FOR FRAUD UPON THE COURT IS STILL PENDING UNRESOLVED UNTIL THIS VERY DAY WHERE ANY REASONABLE PERSON WOULD CONCLUDE THAT HER IMPARTIALITY WOULD REASONABLY BE IN QUESTION AND THE POTENTIAL FOR BIAS HAS RISEN TO AN UNCONSTITUTIONAL LEVEL CREATING CONSTITUTIONAL STRUCTURAL LEVEL THAT WOULD VOID HER JURISDICTION AB INITIO?

(2) DUE TO THE DNA TESTING BEING SOUGHT TO DETERMINE WHETHER OR NOT THE PATHOLOGIST GAVE PERJURED TESTIMONY ON THE STAND AS TO THE TRUE CAUSE OF DEATH AND TO INculpATE ANOTHER PERSON, AND NOT FOR SOME STUPID "PATERNITY" TEST AS THE SOLICITOR IN FRAUDULENT MISREPRESENTATION ASSERTED; BY WHAT IS DETERMINED UNDER THE CASES OF HOWARD v. CITY OF DURHAM, 68 F.4TH. 943 (4th.Cir.2023) AND GUTIERREZ v. SAENZ, 145 S.Ct. 2258, 2258+ (U.S.2025), WAS THE APPELLANT ENTITLED TO RIGHTS OF RES JUDICATA AND COLLATERAL ESTOPPLE AND ENTITLED TO BE GIVEN THE DNA TESTING AS HE SOUGHT BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS?

(3) BY ALLOWING THE SOLICITOR TO ASSERT THAT THE DNA TESTING WAS FOR A PATERNITY TEST WHEN IT WAS TO ESTABLISH WHETHER THE PATHOLOGIST LIED AND GAVE PERJURED TESTIMONY ON THE WITNESS STAND AS TO THE TRUE CAUSE OF DEATH, WHEN THE STATUTE PERMITTED FOR THE TESTING OF ANY RELEVANT BIOLOGICAL SAMPLING IN THE POSSESSION OF THE STATE THAT WAS RELEVANT TO PROVING THE APPELLANT'S INNOCENCE. DID THE COURT FORCE CONSTRUCT THE STATUTE IN VIOLATION OF THE PLAIN MEANING RULE OF THE STATUTE AND IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE?

(4) ARE ACTS THAT VIOLATE DUE PROCESS UNCONSTITUTIONAL?

(5) IF THE ACTS ARE UNCONSTITUTIONAL IS A JUDGMENT OBTAINED BY THEM VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

(6) ARE THERE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, THE STATUTORY ELEMENT AND THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

(7) ARE ACTS LIKE MAKING USE OF A FATALLY DEFECTIVE INDICTMENT IN CRIMINAL PROSECUTIONS, OR PRODUCING INDICTMENTS THAT PREDETERMINE THE OUTCOME OF THE PROCEEDINGS AND SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT BY THE LANGUAGE CONTAINED THEREIN IN CRIMINAL PROSECUTIONS, OR CONSTRUCTIVELY AMENDING THE INDICTMENT ON MENS REA AND CRITICAL ELEMENTS OF THE OFFENSE IN CRIMINAL PROSECUTIONS, OR WITHHOLDING RELEVANT DISCOVERY EVIDENCE IN CRIMINAL PROSECUTIONS, OR SOLICITING PERJURED TESTIMONY IN CRIMINAL PROSECUTIONS, OR RUBBER STAMPING INDICTMENTS PRETENDING THEY WENT BEFORE A GRAND JURY WHEN THEY DID NOT IN CRIMINAL PROSECUTIONS, OR PRODUCING FALSE STATEMENTS THAT WERE NEVER MADE BY A PERSON OR SIGNED BY A PERSON IN CRIMINAL PROSECUTIONS, OR GOING IN A PERSON'S HOME TO OBTAIN EVIDENCE FOR A TRIAL WITHOUT A SEARCH WARRANT IN CRIMINAL PROSECUTIONS, OR VIOLATING CLAIM PROCESSING RULES THAT ARE TIMELY INVOKED IN CRIMINAL PROSECUTIONS, OR FAILING TO TIME RESPOND AS THE STATUTE WOULD REQUIRE IN CRIMINAL PROSECUTIONS A VIOLATION OF DUE PROCESS?

(8) IF THEY ARE A VIOLATION OF DUE PROCESS DO THAT MAKE THE ACTIONS UNCONSTITUTIONAL?

(9) IF THE UNCONSTITUTIONAL ACTIONS ARE DONE WITHIN A CRIMINAL PROSECUTION WOULD THAT VOID THE JUDGMENT AND CONVICTION FOR THAT UNCONSTITUTIONAL ACTION DONE UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

(10) IS THERE A LEGITIMATE CLAIM OF DEFAULT, FORFEITURE AND WAIVER ARGUED WITHIN THIS CASE?

THE APPELLANT IS ARGUING AGAINST THE PRECEDENT PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 TO ADDRESS THE ISSUE OF SUBJECT MATTER JURISDICTION AND WHETHER UNCONSTITUTIONAL ACTION WOULD VOID SUCH JUDGMENTS AND OR CONVICTIONS OBTAINED THEREFROM UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION EVEN THOUGH THE COURT'S HAVE JURISDICTION UNDER THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION. THE KERSHAW COUNTY COURT OF GENERAL SESSIONS RULED ON THESE JURISDICTIONAL QUESTIONS AND DENIED THEM. THEREFORE THEY ARE PRESERVED AND RIPE FOR APPEAL.

(11) BY NEW CASE LAW COMING OUT OF THE SOUTH CAROLINA SUPREME COURT, THE 4TH. CIRCUIT COURT OF APPEALS AND THE UNITED STATES SUPREME COURT, DID THE COURTS OF SOUTH CAROLINA FORCE CONSTRUCT AND OR SUBTLY EXPAND THE STATUTES OF S.C. CODE ANN. §§ 19-1-80 AND 19-1-90 ESSENTIALLY OUT OF EXISTENCE IN VIOLATION OF THE PLAIN LANGUAGE RULE VIOLATING THE SEPARATION OF POWERS CLAUSE THAT REQUIRE THAT A SIGNED COPY OF ANY STATEMENT BE GIVEN TO THE PARTY AT THE TIME THE STATEMENT IS MADE, VIOLATING DUE PROCESS, PRODUCING UNCONSTITUTIONAL ACTION THAT WOULD VOID THE CONVICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

JUDICIAL NOTICE: THE APPELLANT ALSO SEEKS THAT THE DOCUMENTS THAT WERE SUBMITTED BEFORE THE S.C. SUPREME COURT BE RULED ON THE MERITS SINCE THE S.C. SUPREME COURT DECLINED JURISDICTION. THIS WOULD NOT PRECLUDE SEEKING OF RULING ON THE MERITS BEFORE THE S.C. COURT OF APPEALS.

TABLE OF AUTHORITIES

~~TABLE OF CONTENTS~~

ALLEN v. McCURRY, 449 U.S. 90.....13
ALVAREZ v. BONDI, 2025 WL 2371033.....14
AQUINO v. CITY, 2023 WL 3828006.....22
BELUE v. LEVENTHAL, 640 F.3d.567.....10
CAROLINA YOUTH v. WILSON, 60 F.4TH. 770.....18
CITY OF CHICAGO v. MORALES, 527 U.S. 41.....17
DEEP SOUTH v. MURRILL, 779 F.Supp.3d. 782.....17
DOE v. SNYDER, 449 F.Supp.3d. 719.....17
DUKE ENERGY v. NTE, 111 F.4TH. 337.....10
ESTATE OF MEIER v. BURNSD, 445 S.C. 288.....15
GUTIERREZ v. SAENZ, 145 S.Ct. 2258.....7
HEBBv. CITY, 145 F.4TH. 421.....18
HENESELEY v. CITY, 2023 WL 2533083.....36
HOWARD v. CITY, 68 F.4TH. 943.....7
IN RE: KAUFMAN, 669 B.R. 165.....13
IN RE: MILLENNIUM, 575 B.R. 252.....28
JOHNSON v. UNITED STATES, 576 U.S. 591.....18
KOSCIUSKO v. PARHAM, 428 S.C. 481.....28
LONG v. BONDI, 2025 WL 2348708.....14
LUMUMBER v. KISER, 116 F.4TH. 269.....18
McINTOSH v. UNITED STATES, 601 U.S. 330.....21
MYLES v. DOMINO'S, 2017 WL 238436.....29
OKEWO v. CHILDREN, 2024 WL 1604492.....11
PATEL v. PATEL, 359 S.C. 515.....10
ROMAN CATHOLIC v. ACEVEDO, 589 U.S. 57.....10
STATE v. CARRIER, 441 S.C. 547.....24
STATE v. GENTRY, 363 S.C. 93.....16
STATE v. SWEAT, 2025 WL 2406216.....14
STATE v. LANGFORD, 400 S.C. 421.....16
STATE v. THOMPSON, 322 A.3d. 32.....21
SAMPSON v. CLARKE, 2016 WL 5346076.....24
STEEL CO. v. CITIZENS, 523 U.S. 83.....17
STATE v. LEWIS, 434 S.C. 158.....24
SANDERS v. SAVANNAH, 2020 WL 6154305.....28

TABLE OF AUTHORITIES CON'T

SEBELIUS v. AUBURN, 133 S.Ct. 817.....	28
ROSE v. NEW DAY, 816 F.Supp.2d. 245.....	13
UNITED STATES v. CHAUDHRI, 134 F.4TH. 166.....	15
UNITED STATES v. MARSH, 601 U.S. 330.....	21
UNITED STATES v. PROMISE, 255 F.3d. 150.....	25
UNITED STATES v. BREWBAKER, 87 F.4TH. 563.....	25
UNITED STATES v. BRATLEY, 87 F.4TH. 262.....	26
UNITED STATES v. CONRAD, 675 Fed. Appx' 263.....	29
U.S. v. NEAL, 101 F.3d. 993.....	10
WILSON v. LINDLER, 995 F.2d. 1108.....	25
WELLES INTERN, 135 S.Ct. 1932.....	28
WEARRY v. CAIN, 577 U.S. 385.....	22
WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899.....	7
WASHINGTON v. PELLIGRINI, 125 F.4TH. 118.....	13
WOOD v. PATTON, 150 F.4TH. 377.....	13
WELLS v. JOHNSON, 150 F.4TH. 289.....	14
WESTMINSTER v. COHEN, 2017 WL 5632661.....	36
FIRST v. LEWIS, 2025 WL 1936566.....	36
JEFFERIES v. PRINCE, 2025 WL 590433.....	36
KOKKONEN v. GUARDIAN, 114 S.Ct. 1673.....	36
COPER v. RAIMONDO, 604 U.S. 369.....	37
LOZMAN v. CITY, 133 S.Ct. 735.....	37

ADDITIONAL CITING OF LAW ARE SEEN WITHIN THE DOCUMENTS FILED
WITHIN THE RECORD ON APPEAL.

STATEMENT OF CASE

THE APPELLANT WAS CONVICTED OF THE MURDER OF HIS 11 YEAR OLD CHILD BY TRIAL MARCH OF 2004. PRIOR TO THAT THE APPELLANT WAS ARRESTED FOR TWO COUNTS OF CRIMINAL UNLAWFUL NEGLECT FOR 4 YEARS IN VIOLATION OF THE SPEEDY TRIAL PROVISION REQUIRING REVERSAL OF THE CONVICTION UNDER BETTERMAN v. MONTANA AND NO ONE WAS CHARGED WITH MURDER AT THIS TIME THOUGH THE AUTOPSY PRODUCED BY THE STATE WAS COMPLETE AND IN THE HANDS OF THE KERSHAW COUNTY CORONOR JOHNNY FELLORS. IT WAS AT THAT TIME THAT THE INVESTIGATOR OFFICER, KORT CORLEY, INFORMED THE APPELLANT, "MR CRAWFORD WE KNOW THAT YOU ARE INNOCENT. BUT WE ARE GOING TO FIND A WAY TO CONVICT YOU AND MAKE YOU PAY FOR A CRIME WHETHER YOU ARE INNOCENT OR NOT", ALSO BEING CALLED BY HIM A "NIGGER CULT LEADER AND NIGGER JIM JONES" IN RELIGIOUS HATRED. ONCE THE BOND HEARING FOR THE CRIMINAL UNLAWFUL NEGLECT WAS HEARD, THE CORONER, JOHNNY FELLORS, APPEARED TO TESTIFY FOR THE STATE AND COUNTY AT THAT BOND HEARING. WITH THE AUTOPSY IN HAND, THE CORONER, JOHNNY FELLORS, THEN TESTIFIES IN OPEN COURT THAT, "NO ALLEGED BEATING KILLED THE CHILD. AT MOST IT MAY HAVE BEEN A CONTRIBUTING FACTOR". THE APPELLANT SOUGHT THE TRANSCRIPT FROM THAT BOND HEARING ONLY TO BE TOLD BY THE 5TH. CIRCUIT SOLICITOR'S OFFICE AND STATE THAT NO TRANSCRIPT OF THAT BOND HEARING WAS RECORDED WHICH IN ITSELF WAS EXTREMELY UNUSUAL. THIS WAS PART OF THE STATE'S EFFORTS TO CONCEAL THE TRUE CAUSE OF DEATH TO ATTACK THE APPELLANT BEHIND RELIGIOUS AND RACIAL HATRED DUE TO THE APPELLANT CLAIMING TO BE A NAZARITE HIGH PRIEST AND CLAIMING TO BE MUSLIM, CHRISTIAN AND JEW COMBINED WHICH THE COUNTY AND STATE ACTORS SAW AS STRANGE OCCURRING DURING THE TIME OF 9/11 WHEN THIS NATION HARBORED AN INTENSE HATRED FOR ANYTHING THAT REMOTELY WAS CONSIDERED AS MUSLIM. THE APPELLANT'S DECEASED CHILD WAS HAVING SEX WITH HER HALF BROTHER, MICHAEL LEE. SHE EXPERIENCED AN UNEXPLAINED WEIGHT LOSS OF ABOUT 30lbs. SEEMIGLY OVERNIGHT APPROXIMATELY 2 WEEKS PRIOR TO HER DEATH. SHE WAS SCHEDULED FOR THE DOCTOR BUT NEVER MADE IT TO THE APPOINTMENT. SHE WAS MISSING HER PERIOD FOR 3 MONTHS AFTER HAVING SEX WITH HER HALF BROTHER.

HER BLOOD SUGAR LEVEL DROPPED TO 17dm/ml FROM 70dm/ml WHICH IS THE NORMAL BLOOD SUGAR FOR PEOPLE. NOTHING IN THE AUTOPSY EXPLAINED ALL OF THIS WHICH HER BEING PREGNANT CONTRACTING GESTATIONAL DIABETES THEN WOULD EXPLAIN ALL OF THIS. THESE FACTS ARE IN CONTRADICTION TO THE PATHOLOGIST'S STATEMENTS WHICH IS WHAT SPECIFICALLY THE DNA TESTING WAS SOUGHT TO ESTABLISH, NOT A PATERNITY TEST, WHICH TRIGGERS THE STATUTE FOR THE RELEASING OF THE DNA EVIDENCE SOUGHT. THESE JURISDICTIONAL FACTS WERE EVEN BROUGHT UP ON DIRECT APPEAL BEFORE THIS VERY COURT. AS PART OF THE CONSPIRING COUNTY AND STATE ACTORS EFFORTS TO FRAME THE APPELLANT BEHIND RELIGIOUS AND RACIAL HATRED, THEY FIRST SUPPRESSED THE INVESTIGATIVE FILE AT SLED, FILE 5501014 BECAUSE WITHIN THE FILED IT CONTAINED THE CORONER'S NOTES THAT INDICATED WHAT THE TRUE CAUSE OF DEATH WAS IN CONTRADICTION TO THE PERJURED TESTIMONY OF THE PATHOLOGIST, DR. JOEL SEXTON, WHO TESTIFIED AT TRIAL THAT THE APPELLANT'S DAUGHTER WAS NOT PREGNANT. WHEN ASKED FOR THE FILE AT THE APPELLANT'S COMPETENCY HEARING, JOHN MEADORS, THE SOLICITOR, LIED, PERJURED HIMSELF ON THE COURT RECORD WHEN ASKED FOR THE SLED FILE PURSUANT TO DISCOVERY. MEADORS LIED AND STATED THAT HE DID NOT KNOW WHAT THE APPELLANT WAS TALKING ABOUT WHEN GIVEN THE SPECIFIC FILED NUMBER OF THE FILE IN THE POSSESSION OF SLED VIOLATING U.S. SUPREME COURT HOLDINGS UNDER WEARRY v. CAIN 2016 REGARDING THE REQUIREMENT TO RELEASE ALL DISCOVERY EVIDENCE REQUIRING A REVERSAL OF THE CONVICTION AND IS GROUND FOR NEW TRIAL DUE TO THE UNCONSTITUTIONAL ACTION VOIDING THE COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. AS PART OF THE COUNTY AND STATE'S PLOT TO FRAME THE APPELLANT, THEY RUBBER STAMPED AN INDICTMENT, GIVING THE FALSE IMPRESSION THAT SUCH INDICTMENT WAS PASSED UPON BY THE GRAND JURY, WHEN NO SUCH REQUIRED GRAND JURY REVIEW OCCURRED, PRODUCING THIS INDICTMENT THE DAY OF THE TRIAL WHEN NO PANEL OF THE GRAND JURY WAS SCHEDULED TO MEET. THIS VIOLATES DUE PROCESS PRODUCING UNCONSTITUTIONAL ACTION VOIDING THE LOWER COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE PANEL DOCUMENTS WERE SOUGHT BEFORE THE DNA HEARING COURT AS WELL. UNCONSTITUTIONAL PRACTICES LIKE THIS HAVE BEEN DISCOVERED AND CONFIRMED WITHIN YORK COUNTY AND

SPARTANBURG COUNTY DEMONSTRATING THE PATTERN OF DECEIT GOING ON FOR DECADES WITHIN VARIOUS COUNTIES IN THIS STATE. THIS IS OFTEN A COMMON DESIGN BY THE STATE THAT IS NOW SUBSTANTIATED WITHIN THE COUNTIES REFERRED TO. THE COUNTY AND STATE ACTORS THEN SOLICITED PERJURED TESTIMONY FROM THE APPELLANT'S FAMILY AFTER THREATENING THEM WITH PRISON IF THEY DID NOT ALLOW THE MANIPULATION, SAYING THAT THE APPELLANT'S DECEASE CHILD WAS DISCIPLINED OVER A \$5 TELESCOPE AS OPPOSED TO THEY BEING SEXUALLY INVOLVED WITH EACH OTHER IN CLASS "A" FELONIES OF CSC WITH A MINOR BECAUSE THE CHILD WAS 11 YEARS OLD AT THE TIME AND THERE ARE NO ROMEO AND JULIET LAWS IN SOUTH CAROLINA AND AN 11 YEAR OLD CANNOT GIVE CONSENT. AS PART OF THE PRICE FOR THE PERJURED TESTIMONY, WHICH IS A REVERSIBLE ERROR VOIDING THE COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE STATE HAS FAILED TO PROSECUTE MICHAEL LEE UNTIL THIS DAY FOR OVER 24 COUNTS OF CSC WITH A MINOR FOR THAT PERJURED TESTIMONY BECAUSE THEY NEEDED TO DEMONSTRATE TO THE JURY A "WICKED AND DEPRAVED MIND" AS THE ELEMENT FOR MURDER REQUIRED AND IT WOULD NOT BE A "WICKED AND DEPRAVED MIND" IF THEY WERE DISCIPLINED FOR BEING CONSISTENTLY INVOLVED IN NUMEROUS COUNTS OF CLASS "A" FELONIES OF CSC WITH A MINOR. THIS TOO, IS A FAILURE AT DISCOVERY AND DUE PROCESS BECAUSE IT WAS AN UNDER THE TABLE DEAL WITH MICHAEL, SYLVIA AND CYLENA WHICH WAS NEVER DISCLOSED AND IS DISCOVERABLE EVEN FOR IMPEACHMENT PURPOSES, WHICH IS WHY MICHAEL LEE REMAINS UNPROSECUTED UNTIL THIS DAY THOUGH THERE IS NO STATUTE OF LIMITATIONS ON CSC WITH A MINOR IN ACTS OF AIDING AND ABETTING IN OVER 24 COUNTS OF CLASS "A" FELONIES OF CSC WITH A MINOR. THIS TOO IS FAILURE IN DISCOVERY THAT CAUSE FOR REVERSAL OF THE CONVICTION UNDER WEARRY v. CAIN 2016.

THE APPELLANT MADE EVERY STEP AND EFFORT TO LEGALLY OBTAIN THAT DNA TESTING TO MICHAEL LEE, NOT TO PROVE A PATERNITY TEST AS MR. CURTIS IN FRAUDULENT MISREPRESENTATION ASSERTED. IT WAS TO PROVE THAT THE PATHOLOGIST GAVE PERJURED TESTIMONY AS TO WHAT WAS THE TRUE CAUSE OF DEATH AT THE APPELLANT'S TRIAL, STATING THERE WERE NO SIGNS OF PREGNANCY, CONSPIRING WITH THE COUNTY AND STATE ACTORS UNDER COLOR OF STATE LAW TO FRAME THE

APPELLANT BEHIND RELIGIOUS AND RACIAL HATRED. SPERM AND FEMALE EGGS ARE "HAPLOID" IN GENETIC TERMS, MEANING HAVING ONLY ONE SET OF CHROMOSOMES AND ALLELES WHERE DNA MATERIAL CAUSE BY CONCEPTION BETWEEN A MOTHER AND FATHER WOULD BE WHAT IS CALLED "DIPLOID" IN GENETIC TERMS HAVING THE CHROMOSOMES AND ALLELES OF BOTH MOTHER AND FATHER. IF THE DNA SAMPLES TAKEN FROM KORRESHA AT THE TIME OF HER DEATH ARE TESTED TO MICHAEL LEE, AND THE GENETIC MATERIAL IS DISCOVERED TO BE "DIPLOID" IN GENETIC TERMS AS OPPOSED TO "HAPOID". IT WOULD PRODUCE INDISPUTABLE SCIENTIFIC EVIDENCE THAT WOULD PROVE THAT SHE WAS PREGNANT, THAT THE PATHOLOGIST LIED ABOUT THE AUTOPSY AND POTENTIAL TRUE CAUSE OF DEATH WHICH WOULD DESTROY THE CORPUS DELECTI FOR THE CRIME OF MURDER CALLING FOR A NEW TRIAL WHERE ANY JURIST WOULD CONCLUDE THAT THE OUTCOME WOULD HAVE BEEN DIFFERENT AS THE STATUTE FOR DNA TESTING REQUIRED. THE APPELLANT MADE EVERY EFFORT POSSIBLE TO OBTAIN THAT DNA TESTING SINCE 2006 UNDER CASES SUCH AS 2006-CP-400-3567, 3568, 3569; 2013-CP-400-0084, 2294 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS, CASES THAT APPEARED BEFORE THIS VERY COURT IN THE PAST THAT WERE ALSO OBSTRUCTED TALKING ABOUT THE APPELLANT HAD TO PAY A FILING FEE. THANK GOD THERE IS NO REQUIRED PAYING OF A FILING FEE FOR THE SEEKING OF THIS DNA EVIDENCE OF ACTUAL INNOCENCE MANDATED BY THE STATUTE, ONLY TO BE CRIMINALLY OBSTRUCTED AND PREVENTED IN EVERY POSSIBLE WAY IMAGINABLE BY THE STATE AND COUNTY ACTORS CONSPIRING UNDER COLOR OF STATE LAW. THE APPELLANT ATTEMPTED TO FILE APPLICATION FOR POST CONVICTION RELIEF TO OBTAIN THE DNA BEFORE THE KERSHAW COUNTY COURT OF COMMON PLEAS BY THAT MEANS, ONLY TO BE BLOCKED AND CRIMINALLY OBSTRUCTED FILING BY THE KERSHAW COUNTY COURT CLERK SINCE 2006 WHICH WAS WHY THE APPELLANT WAS FORCED TO FILE THE CASES IN RICHLAND COUNTY WHERE THEY CONSPIRED IN EGREGIOUS ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE TO PREVENT THAT EVIDENCE OF ACTUAL INNOCENCE FROM BEING REVEALED. THE APPELLANT MADE EFFORTS THEREAFTER SINCE 2012 TO FILE APPLICATION FOR FORENSIC DNA TESTING IN BOTH RICHLAND AND KERSHAW COUNTIES ONLY TO BE BLOCKED AND CRIMINALLY OBSTRUCTED AGAIN BY THE CONSPIRING COUNTY AND STATE ACTORS WHERE MAKING USE OF THE KERSHAW CLERK OF COURT THEY

PREVENTED THE DNA APPLICATION FROM BEING FILED AS WELL. THE APPELLANT WAS FORCED TO OBTAIN ASSISTANCE FROM HIS FAMILY MEMBER, YAHDNA OVERSTREET-U-DEEN, TO GET THE DNA APPLICATION FILED THAT WAS BLOCKED AND OBSTRUCTED BY THE CONSPIRING STATE AND COUNTY ACTORS. THIS PRODUCED PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IN 2020 THAT HALTED THEIR OBSTRUCTION ALLOWING THE APPLICATION FOR FORENSIC DNA TO FINALLY BE FILED BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS. THE CONSPIRING STATE AND COUNTY ACTORS HELD THOSE PROCEEDING IN LIMBO FOR OVER 4 YEARS IN VIOLATION OF THE STATUTE AND WHERE MOTION FOR DEFAULT AND JUDGMENT WAS FILED BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS AT THE ONE YEAR MARK BASED UPON RIGHTS ESTABLISHED BY THE CLAIM PROCESSING RULE THAT REQUIRED THE COURT TO CONCLUDE THE MATTER WITHIN (365) DAYS OF THE APPLICATION'S FILING OR OBTAIN AN ORDER OF CONTINUANCE TO PROCEED FURTHER WHICH THEY FAILED TO DO, A CLAIM PROCESSING RULE ATTACHED TO THE S.C. CONSTITUTION WHERE ARTICLE 1 § 23 WOULD HAVE ALSO MADE THE PROVISION MANDATORY. THIS IS FURTHER SUPPORTED BY UNITED STATES v. WHEELER 2018 OUT OF THE 4TH. CIRCUIT AND FORTBEND COUNTY, TEXAS v. DAVIS 2019 OUT OF THE U.S. SUPREME COURT. THE COURT STILL IN UNCONSTITUTIONAL ACTION IGNORED THE CLEAR DEFAULT AND CHALLENGE TO THE COURT'S JURISDICTION WHERE THE APPELLANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY THE STATE v. GENTRY 2025 CASE AND STATE v. LANGFORD 2012 CASE WHERE THOSE CASES WERE ADJUDICATED UNDER THE "STATUTORY" ELEMENT TO SUBJECT MATTER JURISDICTION WHEN THEY SHOULD HAVE BEEN ADJUDICATED UNDER THE "CONSTITUTIONAL" ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION. IT IS OBVIOUS FROM MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016) THAT A CRIMINAL COURT'S JURISDICTION IS NOT ABSOLUTE BASED UPON STATUTORY INTENT WHEN UNCONSTITUTIONAL ACTION EXIST IN A CRIMINAL CASE, SUCH AS THE ONES ARGUED HERE. ALSO SEE CASE CITINGS IN THE RECORD ON APPEAL DOCUMENTS. THE APPELLANT ATTEMPTED TO BRING THESE MATTERS UP WITHIN HIS DIRECT APPEAL BACK IN 2006, BUT THE APPELLANT WAS ESSENTIALLY ARGUING 11 YEARS AHEAD OF THE UNITED STATES SUPREME COURT RULINGS, WHO DID NOT GIVE CLARIFICATION OF THE ISSUE OF SUBJECT MATTER JURISDICTION UNTIL THE MONTGOMERY RULING IN 2016.

SUBJECT MATTER JURISDICTION IS REVISITED BEFORE THIS COURT ARGUING AGAINST THE PRECEDENT UNDER APPELLATE COURT RULE 217 WHICH CANNOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, EVEN AFTER A FINAL JUDGMENT WAS ISSUED WITHIN ANY OF THE CASES INVOLVED, INCLUDING THE APPELLANT'S DIRECT APPEAL OCCURRING IN 2006. SEE CITING OF LAW IN THE RECORD ON APPEAL.

ONCE THE ESTABLISHED APPLICATION FOR FORENSIC DNA TESTING WAS FINALLY PERMITTED FILED BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS, DESPITE THE EGREGIOUS ACTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE, THE CONSPIRING STATE AND COUNTY ACTORS INTENDED TO ALLOW THE CASE TO UNCONSTITUTIONALLY SIT THERE UNRESOLVED FOREVER WHICH PROMPTED YAHDNA OVERSTREET-U-DEEN AND THE APPELLANT, CRAWFORD, TO GO BACK BEFORE THE S.C. SUPREME COURT AND INFORM THEM OF THE UNCONSTITUTIONAL INORDINATE DELAY THAT VIOLATED U.S. SUPREME COURT HOLDINGS UNDER BETTERMAN v. MONTANA 2016 AND DUE PROCESS LAW. THE S.C. SUPREME COURT ORDER THE STATE TO FINALLY RESPOND AND GO ON THE RECORD, SCHEDULE A HEARING AND GIVE A LEGITIMATE EXCUSE AS TO WHY THE CASE REMAINED UNRESOLVED FOR OVER 4 YEARS. THAT SOLICITOR FAILED TO GIVE ANY JUSTIFIABLE REASON FOR THE DELAY. NOR DID HE SEEK LEAVE TO FILE HIS RESPONSE LATE BEFORE THE KERSHAW COURT AS THE STATUTE REQUIRED. NOR DID THEY CHALLENGE THE DEFAULT BASED UPON THE CLAIM PROCESSING RULE FILED AT THE ONE YEAR MARK WHEN DIRECTLY ASKED BEFORE THE KERSHAW COUNTY GENERAL SESSIONS COURT ESTABLISHING FORFEITURE AND WAIVER AS WAS ARGUED BEFORE THE LOWER COURT BUT WAS IGNORED IN MACHINATION AND UNCONSTITUTIONAL BIAS BY A JUDGE WHO SHOULD HAVE NEVER PRESIDED OVER THIS CASE IN THE FIRST PLACE IN THEIR JUDICIAL AMBUSH. IN FURTHER ACTS OF CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE AND IN ACTS OF MACHINATION TO THWART "JUST AND FAIR" REVIEW, THE CONSPIRING COUNTY AND STATE ACTORS WENT JUDGE SHOPPING AND FOUND JUDGE NEWMAN WHO SAT ON AND DISMISSED THE CASE UNDER 2013-CP-400-0084 WHERE THE DNA WAS PREVIOUSLY SOUGHT TO PREVENT AGAIN THE REVEALING OF THIS EVIDENCE OF ACTUAL INNOCENCE AND THE CRIMINALITY THAT OCCURRED INVOLVING THE COUNTY OFFICIALS AND 5TH. CIRCUIT SOLICITOR'S OFFICE FROM BEING DISCOVERED. THE COURT NEVER GAVE THE APPELLANT ANY ADVANCE

WRITTEN NOTICE OF THE HEARING, NOTIFYING HIM THAT JUDGE NEWMAN INTENDED TO SIT UPON THE CASE, UNTIL AFTER THE HEARING OCCURRED TO DENY THE APPELLANT THE RIGHT TO BE HEARD AND CHALLENGE HER SITTING ON THE CASE, AS RULES OF COURT AND DUE PROCESS LAW REQUIRED, TO AMBUSH THE APPELLANT BY HAVING JUDGE NEWMAN SIT, THAT IN FUNDAMENTAL FAIRNESS TO THE APPELLANT, SHE WAS REQUIRED TO RECUSE HERSELF DUE TO THE IMPARTIALITY AND THE POTENTIAL FOR BIAS RISING TO AN UNCONSTITUTIONAL LEVEL CREATING A CONSTITUTIONAL STRUCTURAL ERROR WHICH VOIDED THE COURT'S JURISDICTION AB INITIO UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, IN VIOLATION OF U.S. SUPREME COURT HOLDINGS UNDER WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899(U.S.2016) AND THE OTHER CITING OF LAW SEEN IN THE DOCUMENTS FILED WITHIN THE RECORD ON APPEAL. ONCE THE APPELLANT DISCOVERED IN THAT JUDICIAL AMBUSH, THAT JUDGE NEWMAN INTENDED TO SIT UPON THE CASE, THE APPELLANT IMMEDIATELY, CONSISTENTLY, OBJECTED AND MOTIONED FOR HER TO RECUSE HERSELF WHICH SHE DENIED FOR THE PURPOSE OF CAUSING IRREPARABLE HARM TO THE APPELLANT SEEKING THE DNA EVIDENCE OF ACTUAL INNOCENCE. THE COMPROMISED JUDGE ALLOWED THE RESPONDENT TO FORCE CONSTRUCT THE DNA STATUTE TO IN AN ABUSE OF DISCRETION, IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE, GOING AGAINST THE LEGISLATED INTENT TO PRESENT AN UNCONSTITUTIONAL REASON TO DENY THE DNA TESTING TO PREVENT THAT EVIDENCE OF ACTUAL INNOCENCE FROM BEING REVEALED WHICH WOULD HAVE ALSO REVEALED THE CRIMINAL ACTIVITY PERPETRATED BY THE COUNTY AND STATE. THIS VIOLATED THE DNA STATUTE THAT REQUIRED THE RELEASE OF ANY DNA MATERIAL IN THE POSSESSION OF THE STATE THAT IS RELEVANT TO THE APPELLANT'S INNOCENCE, AND IT VIOLATED JUDICIAL HOLDINGS UNDER HOWARD v. CITY OF DURAM, 68 F.4TH. 943 (4th.Cir.2023) AND U.S. SUPREME COURT HOLDINGS UNDER GUTIERREZ v. SAENZ, 145 S.Ct. 2258, 2258+ (U.S.2025) THAT JUST RECENTLY CAME OUT ADDRESSING SIMILAR MATTERS RELATED TO DNA TESTING BEING DENIED TO APPLICANTS DEMONSTRATING THE HARM, INJURY AND PREJUDICE OF JUDGE NEWMAN SITTING UPON THIS CASE WHICH WAS DONE BY THE COUNTY AND STATE ACTORS AS AN ACT OF MACHINATION TO THWART JUST AND FAIR REVIEW PRODUCING UNCONSTITUTIONAL ACTION WHICH VOID THE COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER

JURISDICTION. THIS IS COMPOUNDED BY THE FACT THAT THE UNCONSTITUTIONALLY BIAS JUDGE DENIED ALL MOTIONS FOR RELIEF BASED UPON THE SUBJECT MATTER JURISDICTION CLAIMS THAT WERE PRESENTED BEFORE THAT COURT AND ARE INTENDED TO BE REMEDIED WITHIN THIS APPEAL ARGUING AGAINST THE PRECEDENT ESTABLISHED BY THE STATE v. GENTRY CASE OF 2005 AND STATE v. LANGFORD CASE OF 2012 PURSUANT TO RULES OF APPELLATE COURT PROCEDURE RULE 217. THE APPELLANT TIMELY APPEALED THE MATTER TO THE S.C. SUPREME COURT. THAT COURT TRANSFERRED THE CASE TO THE S.C. COURT OF APPEALS ESTABLISHING THIS APPEAL. THIS INITIAL APPELLATE BRIEF NOW FOLLOWS. ALL DOCUMENTS FOUND WITHIN THE RECORD OF APPEAL ARE SUBMITTED IN SUPPORT OF THESE CLAIMS.

LEGAL ARGUMENT

(1) WAS JUDGE NEWMAN REQUIRED TO RECUSE HERSELF DUE TO SHE SITTING UPON THE PRIOR CASE SEEKING THE TESTING OF THE DNA UNDER CASE 2013-CP-400-0084 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS WHERE MOTION TO VACATE THE FINAL ORDER FOR FRAUD UPON THE COURT AND SEEKING OF HER RECUSAL IS STILL PENDING UNRESOLVED UNTIL THIS VERY DAY WHERE SHE ALSO ACTED UPON THAT CASE IN FRAUD, CONSPIRACY AND OBSTRUCTION OF JUSTICE WHEN IT WAS PETITIONED REMOVED TO THE FEDERAL DISTRICT COURT TO A CASE STILL PENDING WHERE ANY REASONABLE PERSON WOULD CONCLUDE THAT HER IMPARTIALITY WOULD REASONABLY BE IN QUESTION AND THE POTENTIAL FOR BIAS HAS RISEN TO AN UNCONSTITUTIONAL LEVEL?

JUDGE NEWMAN WAS A PARTY TO THE EGREGIOUS ACTS OF FRAUD UPON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE THAT OCCURRED UNDER CASE 2013-CP-400-0084 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS, A CASE IN WHICH THE OBTAINING OF THE DNA EVIDENCE OF ACTUAL INNOCENCE WAS PREVIOUSLY SOUGHT. IN HER EFFORTS TO PROTECT THE STATE AND PREVENT THE EVIDENCE OF THE STATE OFFICIALS AIDING AND ABETTING IN OVER 24 COUNTS OF CLASS "A" FELONIES OF CSC WITH A MINOR REGARDING MICHAEL LEE, SHE INAPPROPRIATELY DISMISSED THAT CASE DESPITE HER NOT HAVING JURISDICTION TO DO SO DUE TO THE CASE BEING PETITIONED REMOVED TO THE FEDERAL DISTRICT COURT IN THE STATE OF OHIO UNDER CASE 2:23-cv-02962-JLG-CHG, A CASE THAT IS STILL PENDING UNTIL THIS DAY. A MOTION TO VACATE AND RENEW HER RECUSAL WAS FILED IN THE RICHLAND COUNTY COURT OF COMMON PLEAS CASE, LEFT UNRESOLVED UNTIL THIS VERY DAY. THE STATE AND KERSHAW COUNTY SOLICITOR'S OFFICE WENT JUDGE SHOPPING AND INTENTIONAL SOUGHT OUT JUDGE NEWMAN TO SIT UPON THIS NEW APPLICATION FOR FORENSIC DNA TESTING IN KERSHAW COUNTY WITHOUT GIVING THE APPELLANT ANY NOTICE OF THE SCHEDULED HEARING ON A PARTICULAR DATE OR NOTICE THAT JUDGE NEWMAN'S INTENTION WAS TO SIT UPON THIS CASE UNTIL AFTER THE APPELLANT FINDING HIMSELF BEFORE THE COURT DISCOVERED THIS INJUSTICE, WHERE NOTICE WAS SERVED UPON THE APPELLANT THEREAFTER THE CONDUCTED

HEARING DEPRIVING HIM OF THE DUE PROCESS RIGHT TO NOTICE OF EXACTLY WHEN THE HEARING WAS SCHEDULED AND RIGHT TO OBJECT AND FILE MOTION FOR HER RECUSAL IN JUDICIAL AMBUSH VIOLATING DUE PROCESS PRODUCING UNCONSTITUTIONAL ACTION. THE APPELLANT ADAMANTLY OBJECTED REPEATEDLY TO JUDGE NEWMAN SITTING UPON THE CASE AT THE AMBUSH HEARING WHEN DISCOVERED THE DAY OF THE HEARING, GOING INTO FULL DETAIL ON THE COURT RECORD AS TO WHY RECUSAL WAS REQUIRED, ONLY FOR THE MOTION FOR HER RECUSAL TO BE INAPPROPRIATELY DENIED IN VIOLATION OF DUE PROCESS LAW CREATING A CONSTITUTIONAL STRUCTURAL ERROR THAT VIOLATE DUE PROCESS LAW WHICH VOIDS THE JUDGMENT AND COURT'S JURISDICTION TO ENTER THAT JUDGMENT UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION BY THIS UNCONSTITUTIONAL ACTION. THE 4TH. CIRCUIT COURT OF APPEAL SPOKE WITH ALL CERTAINTY AND CLARITY UNDER THE CASE OF DUKE ENERGY CAROLINAS, LLC. v. NTE CAROLINAS II, LLC., 111 F.4TH. 337 (4th.Cir.2024), WHERE A JUDGE PRESIDED OVER A PREVIOUS CASE INVOLVING FRAUD BY THE JUDGE WHERE SHE ACTED WHEN THE CASE WAS PETITIONED REMOVED TO THE FEDERAL DISTRICT COURT, THAT JUDGE SHOULD NOT ACCEPT REASSIGNMENT TO A CASE INVOLVING THE SAME PLAINTIFF AND THE SAME CAUSE AS IT RELATES TO THE SEEKING OF THE DNA AND EVIDENCE OF ACTUAL INNOCENCE. THE IMPROPER DENIAL OF A RECUSAL MOTION WHEN THE TRIAL JUDGE'S IMPARTIALITY REASONABLY MIGHT BE IN QUESTIONED HARMS NOT ONLY THE DEFENDANT, IN SUCH CASES, BUT ALSO THE JUDICIAL SYSTEM AND THE PUBLIC CONFIDENCE IT ENJOYS, BELUE v. LEVENTHAL, 640 F.3d. 567 (4th.Cir.2011); PATEL v. PATEL, 359 S.C. 515, 599 S.E.2d. 114 (S.C.App.2004); U.S. v. NEAL, 101 F.3d. 993 (4th.Cir.1996)(APPEARANCE OF IMPROPRIETY BY LACK OF NOTICE JUDICIAL AMBUSH AND JUDGE ACTING IN SIMILAR CASE WHEN CASE WAS PETITIONED REMOVED INDICATE RECUSAL IS APPROPRIATE); ROMAN CATHOLIC ARCH DIOCESE OF SAN JUAN PUERTO RICO v. ACEVEDO FELICIANO, 589 U.S. 57, 140 S.Ct. 696, 206 L.Ed.2d. 1 (U.S.2020)(ONCE A NOTICE OF REMOVAL IS FILED, THE STATE COURT LOSES ALL JURISDICTION, ITS SUBSEQUENT PROCEEDINGS AND JUDGMENTS ARE NOT SIMPLY ERRONEOUS, BUT ABSOLUTELY VOID AS IT RELATES TO CASE 2013-CP-400-0084 WHICH JUDGE NEWMAN SAT ENGAGING IN EGREGIOUS ACTS OF FRAUD UPON THE COURT, BECAUSE EVERY ORDER THEREAFTER MADE IN THAT COURT IS CORAM NON JUDICE. ie. NOT BEFORE

A JUDGE). ALSO SEE OKEOWO v. CHILDREN'S GUILD, 2024 WL 1604492 (D.Md.2024); FELTON V CSX TRANSPORTATION, INC., 2024 WL 2963810 (S.D.Va.2024). NOW THEY CONSPIRING UNDER COLOR OF STATE LAW, TO PREVENT THEIR CRIMINALITY FROM BEING REVEALED BY THE RELEASE OF THE DNA TESTING SOUGHT, WENT JUDGE SHOPPING TO FIND JUDGE NEWMAN, WHOSE ACTIONS ARE CURRENTLY STILL PENDING REVIEW UNDER CASE 2013-CP-400-0084 AND BEFORE THE FEDERAL DISTRICT COURTS INVOLVED, INTO THE APPLICATION FOR FORENSIC DNA TESTING WITHIN THE KERSHAW COUNTY COURT, PRODUCING UNCONSTITUTIONAL BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL, TO CAUSE IRREPARABLE HARM TO THE APPLICANT'S DNA PROCEEDINGS THAT ARE CURRENTLY ON APPEAL BEFORE THIS COURT. JUDGE NEWMAN HAS AN INTEREST IN THE OUTCOME WHERE HER ACTIONS IN THE PRIOR CASE SEEKING THE DNA WHEN THAT CASE WAS REMOVED AND SHE ACTED WITHOUT JURISDICTION IN ACTS OF FRAUD UPON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE ARE STILL PENDING REVIEW AT BOTH THE STATE AND FEDERAL LEVEL, WHICH REQUIRED HER RECUSAL FROM THIS CASE. THE APPELLANT SEEKS THE JUDGMENT BE VOIDED AND THIS CASE BE REMANDED FOR THE PURPOSE OF OBTAINING THE TESTING OF THE DNA SAMPLES SOUGHT AS DUE PROCESS LAW REQUIRES WITH ANOTHER IMPARTIAL JUDGE MADE TO SIT ON THE CASE, WILLIAMS v. PENNSYLVANIA, 579 U.S. 1, 136 S.Ct. 1899, 195 L.Ed.2d. 132(U.S.2016); RIPPO v. BAKER, 580 U.S. 285, 137 S.Ct. 905, 197 L.Ed.2d.167(U.S.2017); BASKIN v. WALKUP, 445 S.C. 353, 913 S.E.2d. 282(S.C.App.2025).

(2) DUE TO THE DNA TESTING BEING SOUGHT TO DETERMINE WHETHER OR NOT THE PATHOLOGIST GAVE PERJURED TESTIMONY ON THE STAND AS TO THE TRUE CAUSE OF DEATH AND TO INCULPATE ANOTHER PERSON (MICHAEL LEE BY THE SEXUAL ASSAULT OF HER), AND NOT FOR SOME STUPID "PATERNITY TEST" AS THE SOLICITOR IN FRAUDULENT MISREPRESENTATION ASSERTED; BY WHAT IS DETERMINED UNDER THE CASES OF HOWARD v. CITY OF DURAM, 68 F.4TH. 943 (4th.Cir.2023) AND GUTIERREZ v. SAENZ, 145 S.Ct. 2258, 2258+ U.S.2025), WAS THE APPELLANT ENTITLED TO RIGHTS OF RES JUDICATA AND COLLATERAL ESTOPPEL AND ENTITLED TO BE GIVEN THE DNA TESTING AS HE SOUGHT BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS?

(3) BY ALLOWING THE SOLICITOR TO ASSERT THAT THE DNA TESTING WAS FOR A PATERNITY TEST WHEN IT WAS TO ESTABLISH WHETHER THE PATHOLOGIST LIED AND GAVE PERJURED TESTIMONY ON THE WITNESS STAND AS TO THE TRUE CAUSE OF DEATH, WHEN THE STATUTE PERMITTED FOR THE TESTING OF ANY RELEVANT BIOLOGICAL SAMPLING IN THE POSSESSION OF THE STATE THAT WAS RELEVANT TO THE PROVING OF THE APPELLANT'S INNOCENCE. DID THE COURT FORCE CONSTRUCT THE STATUTE IN VIOLATION OF THE PLAIN MEANING RULE OF THE STATUTE AND IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE?

THE FIRST [4] DOCUMENTS SUBMITTED IN THE RECORD ON APPEAL ARE FILED FOR THE PURPOSE OF ARGUING THESE TWO ISSUES ON APPEAL. SINCE THEY ARE DIRECTLY RELATED TO EACH OTHER THEY WILL BE ARGUED COLLECTIVELY. THE COURT IN HOWARD v. CITY OF DURHAM, 68 F.4TH. 934 (4th.Cir.2023) WAS UNEQUIVOCAL WHEN IT DETERMINED THAT GENUINE DISPUTE OF MATERIAL FACT EXISTS AS TO WHETHER THE STATE ACTORS ARE REQUIRED TO RELEASE DNA EVIDENCE THAT WOULD POTENTIALLY INculpATE ANOTHER PERSON (MICHAEL LEE BY HIS SEXUAL ASSAULT OF MY CHILD) AS THE PERPETRATOR OR CAUSE OF DEATH WHERE THE PATHOLOGIST POTENTIALLY PERJURED HIMSELF ON THE STAND TO CONCEAL THE TRUE CAUSE OF DEATH, WHICH INCLUDE THE RELEASING OF THE SLED INVESTIGATIVE FILE AND GRAND JURY PANEL DOCUMENTS. THE APPELLANT INVOKES RIGHTS OF RES JUDICATA AND COLLATERAL ESTOPPEL PURSUANT TO ISSUE PRECLUSION WHERE THIS PARTICULAR ISSUE OF MATERIAL FACT OF WHETHER TO SEEK THE DNA IN A MURDER OFFENSE TO INculpATE ANOTHER INDIVIDUAL OF THE CRIME IS COVERED AND TRIGGERED BY THE HOWARD RULING THAT WOULD PERMIT THE APPELLANT TO INVOKE THE DNA STATUTE TO OBTAIN THE SOUGHT TESTING. COLLATERAL ESTOPPEL BARS RELITIGATION OF AN ISSUE DETERMINED IN AN EARLIER PROCEEDINGS WHEN; (1) THE ISSUE SOUGHT TO BE PRECLUDED IS ESSENTIALLY IDENTICAL TO THE ONE PREVIOUSLY LITIGATED (ie. SEEKING DNA FOR THE PURPOSE OF INculpATING ANOTHER PERSON SUCH AS MICHAEL LEE WHO POTENTIALLY CAUSED THE DEATH BUT THE STATE ACTORS COVERED IT UP BEHIND RELIGIOUS AND RACIAL HATRED); (2) THE ISSUE HAS BEEN ACTUALLY DETERMINED IN A PRIOR PROCEEDING; (3) DETERMINATION OF THE ISSUE WAS A CRITICAL AND NECESSARY PART OF

THE DECISION IN THE PRIOR PROCEEDING; (4) THE PRIOR JUDGMENT IS FINAL AND VALID; AND (5) THE PARTY IN WHOM ESTOPPEL IS ASSERTED HAS HAD FULL AND FAIR OPPORTUNITY TO LITIGATE THE ISSUE IN THE CASE. THE SOLICITOR HAS HAD FAIR AND FULL OPPORTUNITY TO LITIGATE THIS CLAIM BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS AT THE JUDGE AMBUSH HEARING BUT FAILED TO ADDRESS THE CLAIM OR REBUT IT SUBJECTING THEM TO DEFAULT, FORFEITURE AND WAIVER ON THIS CLAIM AS WELL REQUIRING THE REVERSAL AND VACATING OF THE JUDGMENT, ROSE v. NEW DAY FINANCIAL, LLC., 816 F.Supp.2d. 245 (D.Md.2011); ALLEN v. McCURRY, 449 U.S. 90, 101 S.Ct. 411 (U.S.1980); WASHINGTON v. PELLEGRINI, 125 F.4TH. 118 (4th.Cir.2025); IN RE: KAUFMAN, 669 B.R. 164 (DSC.2024); MAYBANK 2754, LLC. v. ZURLO, 444 S.C. 47, 906 S.E.2d. 94 (S.C.App.2024).

THE UNITED STATES SUPREME COURT UNDER GUTIERREZ v. SAENZ, 145 S.Ct. 2258, 2258+ (U.S.2025) DETERMINED IN THE CONTEXT OF STATE CREATED POSTCONVICTION PROCEDURES, INDIVIDUALS CONVICTED OF CRIMES IN STATE COURT HAVE A LIBERTY INTEREST IN DEMONSTRATING THEIR INNOCENCE WITH NEW EVIDENCE UNDER STATE LAW. THOUGH THE CASE WAS ARGUED UNDER § 1983, THE SUBSIDIARY FACTS RELATED TO STATE CREATED LIBERTY INTEREST TO OBTAIN DNA TESTING TO PROVE ACTUAL INNOCENCE APPLY HERE. THE COURT ALSO DETERMINED THAT INMATE HAS STANDING TO BRING THIS ACTION, NOT JUST UNDER THE DNA STATUTE, BUT ALSO UNDER § 1983 FOR DECLARATORY AND INJUNCTIVE RELIEF WHICH IS ALSO SOUGHT BY THIS APPEAL, TO SEEK DNA TESTING, EVEN IF THE LOCAL PROSECUTOR WHO HAD CUSTODY OF THE UNTESTED EVIDENCE HAD OTHER REASONS (LIKE SOME STUPID CLAIM OF A PATERNITY TEST) TO DENY DNA TESTING; INMATE ALLEGES THAT THE LOCAL PROSECUTOR'S DENIAL OF HIS REQUEST FOR DNA TESTING DEPRIVE THE APPELLANT OF HIS LIBERTY INTERESTS IN UTILIZING STATE PROCEDURES TO OBTAIN AN ACQUITTAL AND OR REDUCTION OF HIS SENTENCE, IN VIOLATION OF HIS RIGHT TO DUE PROCESS OF LAW, AND A DECLARATORY JUDGMENT WOULD REDRESS THAT INJURY BY ORDERING OF THE CHANGE IN THE LEGAL STATUS OF THE PARTIES AND ELIMINATING THE STATE PROSECUTOR'S ALLEGEDLY UNLAWFUL JUSTIFICATION FOR DENYING DNA TESTING. THE APPELLANT MOTIONS FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF TO REMEDY THE INJUSTICE, WOOD v. PATTON, 150

F.4TH. 377, 380+, 5TH.Cir.; LONG v. BONDI, 2025 WL 2348708, * 9, 4th.Cir.(Va.)(INJUNCTIVE RELIEF REQUIRED TO REMOVE THE UNCONSTITUTIONAL BARRIER); WELLS v. JOHNSON, 150 F.4TH. 289 (4th.Cir.2025)(DECLARATORY JUDGMENT IS REQUIRED); DISTRICT ATTORNEY'S OFFICE FOR THE THIRD JUDICIAL DIST. v. OSBOURNE, 557 U.S. 52, 129 S.Ct. 2308, 174 L.Ed.2d. 38(U.S.2009).

FURTHER, BY THE COURT ALLOWING THE REASON THAT THE SOLICITOR ASSERTED AS THE REASON FOR DENYING THE DNA APPLICATION, THE COURT ALLOWED THE SOLICITOR TO FORCE CONSTRUCT THE STATUTE IN VIOLATION OF THE PLAIN MEANING AND OR LANGUAGE RULE WHICH VIOLATE DUE PROCESS AND THE SEPARATION OF POWERS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION WHICH VOIDS THE JUDGMENT AND THE COURT'S ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, REQUIRING REVERSAL AND VACATING OF THE JUDGMENT WHICH THE APPELLANT SEEKS, ALVAREZ v. RONQUILLO v. BONDI, 2025 WL 2371033 (4th.Cir.2025). WHEN THE TEXT OF THE STATUTE IS PLAIN AND UNAMBIGUOUS (ANY DNA SAMPLES IN THE POSSESSION OF THE STATE AND RELEVANT FILES AND RECORDS), AND CONVEYS A CLEAR DEFINITE MEANING, THE LEGISLATIVE INTENT MUST BE DETERMINED FROM THE STATUTORY LANGUAGE ALONE AND NOT SOME STUPID, MERITLESS ASSERTION BY THE SOLICITOR THAT THE APPELLANT WAS SEEKING A PATERNITY TEST AS OPPOSED TO EVIDENCE OF ACTUAL INNOCENCE THAT WOULD PROVE THE PATHOLOGIST GAVE PERJURED TESTIMONY AS TO THE TRUE CAUSE OF DEATH BEHIND RELIGIOUS AND RACIAL HATRED ALSO DONE TO AID MICHAEL LEE AVOID PROSECUTION FOR OVER 24 COUNTS OF CLASS "A" FELONIES OF CSC WITH A MINOR. THERE ARE NO ROMEO AND JULIET LAWS IN SOUTH CAROLINA AND AN 11 YEAR OLD GIRL CANNOT LEGALLY GIVE CONSENT NO MATTER WHAT THE STATE CLAIMS. THERE IS NO STATUTE OF LIMITATIONS ON CSC WITH A MINOR AND MICHAEL LEE REMAINS UNPROSECUTED UNTIL THIS VERY DAY. THE STATE NEEDS TO GO ON THE COURT RECORD BEFORE THE COURT OF APPEALS AND EXPLAIN WHY HAS MICHAEL LEE NOT BEEN PROSECUTED UNTIL THIS VERY DAY IN ACTS OF OBSTRUCTION OF JUSTICE? THE ACTIONS OF THE COURT REQUIRE REVERSAL AND VACATING OF THE JUDGMENT WHICH THE APPELLANT MOTIONS FOR AND SEEKS, STATE v. SWEET,--S.E.2d.--, 2025 WL 2406216 (S.C.App.2025); PLANNED PARENTHOOD SOUTH ATLANTIC v. STATE, 445 S.C. 600, 916 S.E.2d. 299

(S.C.App.2025); UNITED STATES v. CHAUDHRI, 134 F.4TH. 166 (4th.Cir.2025)(THE SOLE FUNCTION OF THE COURTS, AT LEAST WHERE THE DISPOSITION REQUIRED BY THE TEXT IS NOT ABSURD, IS TO ENFORCE IT ACCORDING TO ITS TERMS); DUKE ENERGY CORPORATION v. SOUTH CAROLINA DEPARTMENT OF REVENUE, 445 S.C. 499, 914 S.E.2d. 873 (S.C.App.2025)(WHEN A STATUTE'S TERMS ARE CLEAR AND UNAMBIGUOUS ON THEIR FACE, THERE IS NO ROOM FOR STATUTORY CONSTRUCTION AND A COURT MUST APPLY THE STATUTE ACCORDING TO ITS LITERAL TERMS); ESTATE OF MEIER BY AND THROUGH MEIER v. BURNSED, 445 S.C. 288, 914 S.E.2d. 130 (S.C.App.2025)(IF STATUTE'S LANGUAGE IS PLAIN AND UNAMBIGUOUS, AND CONVEYS A CLEAR AND DEFINITE MEANING, A COURT MUST GIVE EFFECT TO THAT CLEARLY EXPRESSED LEGISLATIVE INTENT AND HAS NO RIGHT TO IMPOSE OR LOOK FOR ANY OTHER MEANING). THE JUDGMENT MUST BE REVERSED AND VACATED AND DUE TO THE OVERWHELMING AMOUNT OF PREJUDICE AND CURRENT CONFLICT OF INTEREST INVOLVING THE SOUTH CAROLINA STATE ACTORS WHERE EVEN SLED IS IMPLICATED IN THESE EGREGIOUS INJUSTICE AIDING TO SUPPRESS EVIDENCE OF ACTUAL INNOCENCE. IN FUNDAMENTAL FAIRNESS TO THE APPELLANT, THE APPELLANT ALSO SEEK THAT IT BE ORDERED THAT THE DNA TESTING SOUGHT BE DONE BY AN OUTSIDE ENTITY OR COMPANY OUTSIDE THE STATE OF SOUTH CAROLINA AS IS SOUGHT WITHIN THE FIRST [4) EXHIBITS LISTED WITHIN THE RECORD ON APPEAL.

(4) ARE ACTS THAT VIOLATE DUE PROCESS UNCONSTITUTIONAL?

(5) IF THE ACTS ARE UNCONSTITUTIONAL, IS A JUDGMENT OBTAINED BY THEM VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

(6) ARE THERE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, THE STATUTORY ELEMENT AND CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

(7) ARE ACTS LIKE MAKING USE OF A FATALLY DEFECTIVE INDICTMENT IN CRIMINAL PROSECUTIONS, OR PRODUCING INDICTMENTS THAT PREDETERMINE IN ADVANCE THE OUTCOME OF THE PROCEEDINGS AND SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT GIVING THE GRAND

JURY POWER AND OR AUTHORITY TO CONVICT BY THE LANGUAGE CONTAINED THEREIN IN CRIMINAL PROSECUTIONS, OR CONSTRUCTIVELY AMENDING THE INDICTMENTS ON THE MENS REA AND CRITICAL ELEMENTS OF THE OFFENSE(S) IN CRIMINAL PROSECUTIONS, OR WITHHOLDING RELEVANT DISCOVERY EVIDENCE IN CRIMINAL PROSECUTIONS, OR SOLICITING PERJURED TESTIMONY IN CRIMINAL PROSECUTIONS, OR RUBBER STAMPING INDICTMENTS PRETENDING THEY WENT BEFORE THE GRAND JURY WHEN THEY DID NOT IN CRIMINAL PROSECUTIONS, OR PRODUCING FALSE STATEMENTS THAT WERE NEVER MADE BY A PERSON OR SIGNED BY A PERSON IN CRIMINAL PROSECUTIONS, OR GOING TO A PERSON'S HOME TO OBTAIN EVIDENCE FOR A TRIAL WITHOUT A SEARCH WARRANT IN CRIMINAL PROSECUTIONS, OR VIOLATING CLAIM PROCESSING RULES THAT ARE TIMELY INVOKED IN CRIMINAL PROSECUTIONS, OR THE FAILURE TO TIMELY RESPOND IN THE TIME FRAME MANDATED BY THE STATUTE REQUIRED IN CRIMINAL PROSECUTIONS OR POST CONVICTION PROCEEDINGS A VIOLATION OF DUE PROCESS?

(8) IF THEY ARE A VIOLATION OF DUE PROCESS DO THAT MAKE SUCH ACTIONS UNCONSTITUTIONAL?

(9) IF THE UNCONSTITUTIONAL ACTIONS ARE DONE WITHIN CRIMINAL PROCEEDING AND OR POST CONVICTION PROCEEDINGS WOULD THAT VOID THE JUDGMENT AND OR CONVICTION FOR THAT UNCONSTITUTIONAL ACTION DONE, UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

THE APPELLANT CAN ADDRESS AND LITIGATE THESE ESSENTIAL, MATERIAL AND CRUCIAL DUE PROCESS AND JURISDICTIONAL QUESTIONS TOGETHER SINCE THE ESSENTIAL ISSUE AND OR QUESTION IS, "ARE SUCH ACTS A VIOLATION OF DUE PROCESS, AND IF THEY VIOLATE DUE PROCESS, ARE THEY UNCONSTITUTIONAL, IF THEY ARE UNCONSTITUTIONAL WOULD THAT VOID THE ACT AND OR JUDGMENT ATTACHED TO IT UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?", WHICH IN FRAUD WAS NEVER ADDRESSED BY THE STATE v. GENTRY CASE FROM 2005 OR STATE v. LANGFORD CASE OF 2012. WHAT THE STATE v. GENTRY COURT DID WAS AN EGREGIOUS ACT OF FRAUD UPON THE COURT, CONSPIRACY CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE TO

TATE

THWART JUST AND FAIR REVIEW OF THIS ISSUE BECAUSE THE STATE DISCOVERED THAT MANY OF THE INDICTMENTS FOR MURDER POSSESSED A FATAL FLAW IN THAT THEY DID NOT PROPERLY ALLEGE THE ELEMENT OF "TIME AND PLACE" WHICH IS AN ESSENTIAL ELEMENT OF THE OFFENSE AS DID OCCUR IN THE APPELLANT'S INDICTMENT. THEY HELD MANY OF THE CASES INVOLVED IN THIS ADJUDICATION FOR SOME ALMOST [7] YEARS IN VIOLATION OF DUE PROCESS LAW SO THAT COURT COULD GO ON A "FISHING EXPEDITION" AROUND THE NATION IN SEARCH OF "CONSTITUTIONALLY VAGUE" CASE LAW THAT ONLY ADJUDICATED THE ISSUE OF SUBJECT MATTER JURISDICTION UNDER THE STATUTORY ELEMENT, TO IN FRAUD UPON THE COURT TO CONCEAL THE TRUTH THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, THE STATUTORY AND CONSTITUTIONAL ELEMENTS, AS OPPOSE TO THE ONE ELEMENT, THE STATUTORY ELEMENT THAT GENTRY, COTTON AND PARKHURST CASES WERE BASED ON. THE FRAUD UPON THE COURT IS CLEAR WHERE IT IS OBVIOUS THAT THE S.C. SUPREME COURT PURPOSELY, MALICIOUSLY WITH THE INTENT TO DEFRAUD THE INMATES OF THIS STATE, OVERLOOKED CASES LIKE STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(1998) THAT CLEARLY EXISTED AT THE TIME OF THEIR RULING. IT IS MORE THAN OBVIOUS FROM THE UNITED STATES SUPREME COURT RULING UNDER MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016) THAT THOUGH A CRIMINAL COURT DOES HAVE JURISDICTION UNDER THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION, ITS ACTS AND JURISDICTION POWER AND AUTHORITY CAN BE RENDERED VOID FOR UNCONSTITUTIONAL ACTION. IT IS A FUNDAMENTAL PRINCIPLE OF LAW THAT ACTS THAT VIOLATE DUE PROCESS ARE UNCONSTITUTIONAL AND WOULD VOID THE JUDGMENT OBTAINED WITHIN CRIMINAL PROCEEDINGS. THE GENTRY, COTTON AND PARKHURST CASES ARE UNCONSTITUTIONALLY VAGUE ON THIS ISSUE AND MAKING USE OF THEM AT THIS JUNCTURE WOULD BE MISPLACED. THE APPELLANT IS ARGUING AGAINST THE PRECEDENT UNDER RULES OF APPELLATE COURT PROCEDURE, RULE 217, DEEP SOUTH TODAY v. MURRILL, 779 F.Supp.3d. 782 (M.D.La.2025); APPLICATION OF GAULT, 387 U.S. 1, 87 S.Ct. 1428 (U.S.1967)(DUE PROCESS OF LAW IS PRIMARY AND INDISPENSABLE FOUNDATION OF INDIVIDUAL FREEDOM); MATTER OF J.U., 384 N.C. 618 (2023); DOE v. SNYDER, 449 F.Supp.3d. 719 (E.D.Mich.2020); CITY OF CHICAGO v. MORALES, 527 U.S. 41, 119 S.Ct. 1849, 144 L.Ed.2d. 67(U.S.1999); NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE v. U.S. DEPARTMENT

OF EDUCATION, 779 F.Supp.3d. 53 (D.D.C.2025); JOHNSON v. UNITED STATES, 576 U.S. 591, 135 S.Ct. 2551 (U.S.2015); LUMUMBER v. KISER, 116 F.4TH. 269 (4th.Cir.2024); MANNING v. CALDWELL FOR CITY OF ROANOKE, 930 F.3d. 264 (4th.Cir.2019). THE GENTY RULING MUST BE DEEMED VOID BECAUSE IT IS UNCONSTITUTIONALLY VAGUE AS TO WHETHER A CRIMINAL COURT'S ACTIONS AND JUDGMENT CAN BE MADE VOID FOR DUE PROCESS VIOLATION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, HEBB v. CITY OF ASHEVILLE, NORTH CAROLINA, 145 F.4TH. 421 (4th.Cir.2025); CAROLINA YOUTH ACTION PROJECT; D.S. BY AND THROUGH FORD v. WILSON, 60 F.4TH. 770 (4th.Cir.2023). LET US ADDRESS EACH CONCERN:

(A) THE INDICTMENT BY ITS LANGUAGE CONTAINED THEREIN PREDETERMINE IN ADVANCE THE OUTCOME OF THE PROCEEDINGS IN VIOLATION OF DUE PROCESS LAW. THIS VIOLATES UNITED STATES SUPREME COURT HOLDINGS UNDER MOORE v. DEMPSEY 1923. THEY BY THEIR LANGUAGE TAKE AWAY THE PRESUMPTION OF INNOCENCE AND SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT IN VIOLATION OF DUE PROCESS LAW IN VIOLATION OF NELSON v. COLORADO AND BETTERMAN v. MONTANA. A CURATIVE INSTRUCTION "BOILERPLATE" DO NOT SOLVE THE DUE PROCESS PROBLEM. ANOTHER WAY THAT WE KNOW THAT THIS IS NOT A HARMLESS ERROR IS BECAUSE NOT EVERY STATE DOES THIS, NOR DO THEIR INDICTMENTS POSSESS THIS FATAL FLAW. THE GRAND JURY BY THE LANGUAGE HAS ADJUDICATED GUILT IN VIOLATION OF THEIR SHIELDING FUNCTION. THE PRESUMPTION OF INNOCENCE IS SUPPOSE TO BLANKET THE ACCUSED AND CANNOT BE TAKEN AWAY IN ANY MANNER EVEN BY ANY WRITTEN INSTRUMENT PLACED BEFORE THE COURT UNTIL CONVICTED BY A JURY OF ONE'S PEERS. THE GRAND JURY DOES NOT HAVE THE POWER OR AUTHORITY TO CONVICT WHICH BY THEIR LANGUAGE THEY HAVE. ONCE THIS BELL IS RUNG. IT IS IMPOSSIBLE TO UNRING IT CREATING A CONSTITUTIONAL STRUCTURAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE THAT RENDERS THE PROCEEDINGS UNCONSTITUTIONAL AND VOID. IT IS OBVIOUS THAT THE STATE OF SOUTH CAROLINA COURTS KNOW ABOUT THIS EGREGIOUS DUE PROCESS PROBLEM BECAUSE THEY TRY TO GIVE A CURATIVE INSTRUCTION AT STATE TRIALS BY SAYING THINGS LIKE, "THE INDICTMENT IS NOT EVIDENCE. IT IS JUST A PIECE OF PAPER IN WHICH WE BRING THE OFFENSE BEFORE THE COURT. THE DEFENDANT IS INNOCENT

UNTIL PROVEN GUILTY. THE PRESUMPTION OF INNOCENCE BLANKETS HIM UNTIL YOU THE JURY TAKES IT AWAY. THE STATE HAS THE BURDEN OF PROVING EVERY ELEMENT OF THE OFFENSE". THE PROBLEM WITH CURATIVE INSTRUCTIONS SUCH AS THIS IS THAT THE MOMENT THE COURT DOES IT. THE COURT IS THEN FORCED TO AUTOMATICALLY CONSTRUCTIVELY AMEND THE INDICTMENTS ON THE MENS REA AND OTHER CRITICAL ELEMENTS OF THE OFFENSE WHICH RUNS THEM RIGHT DEAD SMACK INTO ANOTHER CONSTITUTIONAL STRUCTURAL ERROR. ONCE THE GRAND JURY BY THEIR LANGUAGE SAY A DEFENDANT DID WITH MALICE, AFORETHOUGHT, WILLFULLY, INTENTIONAL ETC., AND THE COURT COMES BACK AND SAY WE ARE INNOCENT UNTIL PROVEN GUILTY? THAT IS NOT WHAT THAT INDICTMENT SAYS. WHEN THE COURT DOES THIS IT IS CONSTRUCTIVELY AMENDING THE INDICTMENT RUNNING DEAD SMACK INTO ANOTHER EGREGIOUS DUE PROCESS ERROR IN THEIR EFFORTS TO RUN FROM THE OTHER. THIS VIOLATES DUE PROCESS, IS UNCONSTITUTIONAL AND VOIDS THE JUDGMENT AND CONVICTION ATTACHED TO IT. EVERY STATE DOESN'T MAKE THIS ERROR, NOR ARE THEIR INDICTMENTS WORDED TO WHERE SUCH A STRUCTURAL DUE PROCESS PROBLEM EXISTS WHICH SUPPORT THE CLAIM THIS IS NOT A HARMLESS ERROR. SOUTH CAROLINA IS ONE OF THE FEW REMAINING STATES WHOSE INDICTMENTS POSSESS THIS CONSTITUTIONAL STRUCTURAL ERROR. NEW YORK INDICTMENTS DO NOT HAVE THIS FATAL FLAW AS DO CERTAIN OTHER STATES. SEE EXHIBIT NO. 5 "CONSTITUTIONAL STRUCTURAL ERROR" FOR THE LITIGATION SUBMITTED IN SUPPORT OF THIS ARGUMENT.

(B) THE STATE OF SOUTH CAROLINA AND THE COUNTY OF KERSHAW, JUST LIKE YORK COUNTY AND SPARTANBURG COUNTY WERE CONSISTENTLY CAUGHT "RED HANDED" DOING SIMILAR PRACTICES EVEN RECORDED BY PBS, PUBLIC BROADCASTING RADIO, WAS CAUGHT RUBBER STAMPING INDICTMENTS IN THE TRIAL COURTS GIVING THE FRAUDULENT PERCEPTION THAT SUCH INDICTMENT WERE ACTUALLY BEING PASSED UPON BY THE GRAND JURY WHEN IN REALITY NO SUCH GRAND JURY REVIEW EVER OCCURRED AT ALL IN ACTS OF SHAM LEGAL PROCESS. THE KERSHAW COUNTY ACTORS CAME UP WITH AN INDICTMENT ON THE VERY DAY THE APPELLANT WENT TO TRIAL AT A TIME ACCORDING TO THE S.C. ADMINISTRATIVE OFFICE, NO GRAND JURY WAS IN SESSION AT THAT TIME. THIS IS WHY THE GRAND JURY PANEL DOCUMENT WERE SOUGHT VIA SEEKING THE DNA

TESTING AS WELL WHICH THE DNA STATUTE WOULD PERMIT. S.C. CODE ANN § 17-19-10 IS CLEAR "NO PERSON CAN BE PROSECUTED FOR AN ALLEGED OFFENSE UNLESS THERE IS A GRAND JURY INDICTMENT." THIS ACTION VIOLATES THE STATUTE AND THE SEPARATION OF POWERS CLAUSE. S.C. CODE ANN. § 17-19-20 STATE, "EVERY INDICTMENT SHALL (MANDATORY) BE DEEMED AND JUDGED SUFFICIENT AND GOOD IN LAW..." AN INDICTMENT SUCH AS THIS DOES NOT EXIST IF IT DOES NOT COME FROM THE GRAND JURY AND IT IS NOT SUFFICIENT AND GOOD IN LAW IF IT IS NOT PASSED UPON BY THE GRAND JURY WHO IS GIVEN THE AUTHORITY TO VALIDATE THE INDICTMENT. IT CANNOT BE SAID TO NOT HAVE ANY THING TO DO WITH JURISDICTION BECAUSE THE GENTRY CASE IS UNCONSTITUTIONALLY VAGUE ON THE ISSUE OF WHETHER DUE PROCESS VIOLATION VOID JURISDICTION, JUDGMENTS OR ACTS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE LITIGATION FOR THIS ISSUE IS SEEN IN EXHIBIT "SHAM LEGAL PROCESS" IN THE RECORD ON APPEAL.

(C) AS IT RELATES TO THE CLAIM PROCESSING RULE, THE APPELLATE BEFORE HIS TRIAL MOTIONED FOR A SPEEDY TRIAL ONLY TO BE UNCONSTITUTIONALLY DELAYED AND IGNORED IN VIOLATION OF U.S. SUPREME COURT HOLDINGS UNDER BETTERMAN v. MONTANA ALSO BASED UPON THE CLAIM PROCESSING RULED THAT REQUIRED THE CASE BE DISPOSED OF WITHIN (180) DAYS AT THAT TIME UNLESS THERE WAS A WRITTEN ORDER OF CONTINUANCE TIMELY FILED, BEFORE HIS TRIAL OCCURRED ONLY TO BE IGNORED BY THE TRIAL COURT. THIS FORCED THE APPELLANT TO WRITE THE U.S. DISTRICT COURT WHO INSTRUCTED THE COURT TO GET ME IN THERE AFTER GOING ON ABOUT [5] YEARS. THIS IS WHY THEY HAD TO OBTAIN THE FRAUD PROCURED INDICTMENT THAT NEVER WAS PASSED UPON BY THE GRAND JURY. A SIMILAR CLAIM PROCESSING RULE WAS TIMELY INVOKED WITHIN THE DNA APPLICATION CASE. BASED UPON SUPREME COURT PRECEDENT AND RULINGS OUT OF THE 4TH. CIRCUIT COURT OF APPEALS, PROCEDURAL AND OR CLAIM PROCESSING RULES APPLY TO BOTH THE STATE AND DEFENDANT. THE COURT'S INTERPRETATION OF AEDPA ESTABLISHES STRICT FRAMEWORK THAT DEFINES HOW THESE RULES WORK. UNDER WAINWRIGHT v. SYKES 1977 THE U.S. SUPREME COURT ESTABLISHED "CAUSE AND PREJUDICE" TEST FOR EXCUSING PROCEDURAL DEFAULT (CLAIM PROCESSING RULE) IN HABEAS CORPUS CASES. UNDER COLEMAN v. THOMPSON 1991 THE COURT GAVE CLARITY TO PROCEDURAL DEFAULT BASED

UPON SUCH CLAIM PROCESSING RULES DETERMINING RULE APPLIES WHEN A STATE JUDGMENT REST ON AN "ADEQUATE AND INDEPENDENT STATE LAW GROUND." MEANING WHEN A PRISONER MISS STATE PROCEDURAL DEADLINE, A FEDERAL COURT IS BARRED FROM REVIEWING THE CLAIM. GATEWAY CLAIMS OF ACTUAL INNOCENCE, SUCH AS IN THE APPELLANT'S CASE ESTABLISH EXCEPTION TO THE PROCEDURAL (CLAIM PROCESSING RULE) DEFAULT RULE. COURTS RECENTLY HAVE FURTHER ADDRESSED THESE PROCESSING RULES ESTABLISHING THAT SOME ARE JURISDICTIONAL AND NON JURISDICTIONAL IN NATURE. THE COURTS WITHIN THE 4TH. CIRCUIT AND UNITED STATES SUPREME COURT ARE OF A CONSENSUS THAT IF THESE CLAIM PROCESSING RULES ARE TIMELY INVOKED ON EITHER SIDE, THE STATE OR DEFENDANT, THEIR ADHERENCE BECOME MANDATORY. THEREFORE, THE LOWER COURT ALLOWING AND OR CONTINUING TO ADDRESS THE MERITS WHEN THE CLAIM PROCESSING RULE RELIED UPON WAS TIMELY INVOKE AT THE ONE YEAR MARK OF THOSE DNA PROCEEDINGS VIOLATES DUE PROCESS AND IS UNCONSTITUTIONAL WHICH VOIDS THE JUDGMENT LEAVING THE STATE IN DEFAULT, FORFEITURE AND WAIVER. IN UNITED STATES v. RICE, 2022 DEMONSTRATE THAT CIRCUITS APPLY FEDERAL LAWS AND RULES OF CRIMINAL PROCEDURE TO BOTH THE GOVERNMENT AND DEFENDANTS. THE SUPREME COURT IS CLEAR ON THIS ISSUE. IF AN AFFECTED PARTY ALERTS THE COURT TO A DEADLINE IN A CLAIM PROCESSING RULE AND INVOKES ITS PROTECTION, THE RELEVANT ACTION CANNOT BE TAKEN AFTER THE DEADLINE HAS PASSED. THE DNA COURT WAS DIVESTED OF ANY AUTHORITY TO ADDRESS THE MERITS, STATE v. THOMPSON, 322 A.3d. 32, 62+ Md.; WILLIAMS v. SECRETARY OF HEALTH AND HUMAN SERVICES, 176 Fed.Cl. 215, 217 Fed.Cl.; McINTOSH v. UNITED STATES, 601 U.S. 330, 144 S.Ct. 980, 218 L.Ed.2d. 307(U.S.2024); HAMER v. NEIGHBORHOOD SERVICES OF CHICAGO, 583 U.S. 17, 138 S.Ct. 13(U.S.2017); UNITED STATES v. MARSH, 944 F.3d. 524 (4th.Cir.2019); FORTBEND COUNTY, TEXAS v. DAVIS, 587 U.S. 541, 139 S.Ct. 1843(U.S.2019); SANTOS-ZACARIA v. GARLAND, 598 U.S. 411, 143 S.Ct. 1103, 215 L.Ed.2d.375(U.S.2023). THE LITIGATION AND ADDITIONAL CASE LAW IN SUPPORT OF THIS ISSUE IS SEEN IN EXHIBIT "180 DAY RULE/ 365 DAY RULE" IN THE RECORD ON APPEAL.

(D) THE STATE WITHHELD EVIDENCE OF ACTUAL INNOCENCE IN

THE FORM OF THE DNA TESTING AND THE SLED INVESTIGATIVE FILE, FILE 5501014 IN THE POSSESSION OF SLED. WHEN JOHN MEADORS WAS GIVEN THE SPECIFIC FILE NUMBER AT THE APPELLANT'S COMPETENCY HEARING, MEADORS LIED, RECORDED ON TRANSCRIPT AND SAID THAT HE DID NOT KNOW WHAT THE APPELLANT WAS TALKING ABOUT REGARDING THE SLED FILE, INTENTIONALLY SUPPRESSING THIS SPECIFICALLY REQUEST AND SOUGHT DISCOVERY EVIDENCE OF ACTUAL INNOCENCE. THE FILE ALSO CONTAINED THE CORONOR'S NOTED HIGHLIGHTING THE TRUE CAUSE OF DEATH AND THE DEATH CERTIFICATE WHICH PROVED THE INDICTMENT WAS FATALLY DEFECTIVE FAILING TO LIST THE PROPER TIME AND PLACE OF THE DEATH WHERE THE INDICTMENT INDICATED SHE DIED ON THE 25th. OF JANUARY IN KERSHAW COUNTY WHEN SHE DIED ON THE 26th. IN RICHLAND COUNTY. THE DNA STATUTE PERMITTED THE APPELLANT TO SEEK THIS DENIED DISCOVERY EVIDENCE THAT WAS REQUIRED RELEASE BEFORE ANY TRIAL OCCURRED WHICH IS ANOTHER REASON THEY CONSPIRED UNDER COLOR OF STATE LAW TO PREVENT THE DNA PROCEEDINGS FROM MOVING FORWARD TO CONCEAL THEIR INJUSTICE AND ACTS DONE TO FRAME THE APPELLANT BEHIND RELIGIOUS AND RACIAL HATRED. THE SUPPRESSION OF EVIDENCE FAVORABLE TO AN ACCUSED UPON REQUEST VIOLATES DUE PROCESS WHERE THE EVIDENCE IS MATERIAL TO GUILT OR TO PUNISHMENT, IRRESPECTIVE OF THE GOOD FAITH OR BAD FAITH OF THE PROSECUTION, WEARRY v. CAIN, 577 U.S. 385, 136 S.Ct. 1002, 194 L.Ed.2d. 78(U.S.2016); UNITED STATES v. HINDS, 2024 WL 3811413, * 5+ E.D.Mich.; JOHNSON v. BALTIMORE POLICE DEPT., 2022 WL 9976525 (D.Md.2022); AQUINO v. CITY OF CHARLOTTE, Fed. Supp., 2023 WL 3828006 (W.D.N.C.2023). IF IT IS A VIOLATION OF DUE PROCESS, IT IS UNCONSTITUTIONAL. IF IT IS UNCONSTITUTIONAL IS VOIDS THE JUDGMENT UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION AND CANNOT BE WAIVED AND OR FORFEITED AND CAN BE RAISED AT ANY TIME EVEN AFTER A FINAL JUDGMENT IS ISSUED, EVEN FOR THE FIRST TIME ON APPEAL. THE COURT WILL SEE THE APPELLANT ARGUING THIS CLAIM IN EXHIBITS 1-4 IN THE RECORD ON APPEAL.

(E) WHEN THE STATE v. GENTRY CASE CAME OUT IN 2005, THE APPELLANT WARNED THE INMATES THAT THE RULING WOULD NOT JUST EFFECT THE STATE OF SOUTH CAROLINA. I INFORMED THEM THAT THE RULING WOULD HAVE NATION WIDE REPERCUSSIONS AND BEHOLD THE LAMB,

IT DID. JUST ABOUT EVERY STATE AROUND THE NATION BEGAN TO ADOPT THIS FLAWED ANALYSIS OF LAW REGARDING JURISDICTION AND THE EFFECTS OF FATALLY DEFECTIVE INDICTMENT UPON A TRIAL COURT'S JURISDICTION. EACH COURT BEGAN ADOPTING THIS UNCONSTITUTIONALLY VAGUE CONCEPT OF JURISDICTION GIVING A FRAUDULENT MISCONCEPTION THAT THERE WAS ONLY ONE CRUCIAL ELEMENT TO SUBJECT MATTER JURISDICTION AND AS LONG AS THE STATUTORY ELEMENT EXISTED IN NO WAY COULD A CRIMINAL COURT'S JURISDICTION BE CHALLENGED. OF COURSE WE KNOW THAT THIS IS INCORRECT. WHEN IT COMES TO FATAL DEFECTS IN AN INDICTMENT, SOUTH CAROLINA STATUTE IS CLEAR, "NO MAN SHALL BE MADE TO ANSWER A CRIMINAL OFFENSE UNLESS IT BE BY GRAND JURY INDICTMENT AND EVERY INDICTMENT MUST BEE DEEM GOOD AND SUFFICIENT IN LAW". IF THE STATUTE REQUIRES A GRAND JURY INDICTMENT AND THAT INDICTMENT IS FRAUDULENTLY PROCURED OR IN A CHARGE FOR MURDER FATALLY DEFECTIVE IN THAT IT DOES NOT ALLEGED THE TIME AND PLACE OF DEATH IN VIOLATION OF DUE PROCESS, IT IS UNCONSTITUTIONAL. IF IT IS UNCONSTITUTIONAL IT IS VOID. SUCH A FUNDAMENTALLY FLAWED INDICTMENT WOULD INDEED PRODUCE A JURISDICTIONAL DEFECT UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THIS IS BECAUSE BY THE APPLICABLE STATUTE (IN THIS CASE IT BECOMES A STATUTORY CONCERN AS WELL UNDER S.C. CODE ANN. § 17-19-10), THE COURT'S AUTHORITY TO HEAR THE CASE WOULD REST UPON A "VALID" (EMPHASIS ADDED) CHARGING INSTRUMENT, AND A FAKE OR FRAUD PROCURED OR FATALLY DEFECTIVE INDICTMENT WOULD FAIL TO CONFER THAT JURISDICTION AS THE STATUTE AND CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION REQUIRED. A DUE PROCESS VIOLATION OF THIS MAGNITUDE WOULD BE INDEED UNCONSTITUTIONAL AND BE JURISDICTIONAL WHERE UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION IS NOT LIMITED IN BEING RAISED BEFORE THE JURY IS SWORN. THIS TOO IS ERROR OF THE GENTRY COURT. CONSTITUTIONAL JURISDICTION (DUE PROCESS VIOLATION) CANNOT BE WAIVED AND OR FORFEITED AND CAN BE RAISED AT ANYTIME. IF A TRUE BILL IS FRAUDULENT PLACED ON THE INDICTMENT, LIKE WHAT OCCURRED IN BOTH YORK AND SPARTANBURG COUNTIES AND IN THE APPELLANT'S CASE, THE INDICTMENT WOULD BE INVALID ON ITS FACE WHICH IS WHY THEY CONSPIRING UNDER COLOR OF LAW DISMISSED THE DNA APPLICATION TO PREVENT THESE JURISDICTIONAL FACTS FROM COMING INTO THE COURT RECORD. THIS TYPE OF

PROSECUTIONAL MISCONDUCT IS NOT A HARMLESS ERROR. IT PRODUCES CONSTITUTIONAL STRUCTURAL ERROR. A CONVICTION BASED UPON A FATALLY DEFECTIVE AND FRAUD PROCURED INDICTMENT IS CLEARLY A JURISDICTIONAL ERROR UNDER THE DUE PROCESS-CONSTITUTIONAL JURISDICTION ELEMENT AS THE COURT'S AUTHORITY WAS NEVER PROPERLY INVOKED. THESE TYPE OF VOID JUDGMENTS CAN BE CHALLENGED AT ANY TIME. BY S.C. CODE ANN § 17-19-10 A VALID INDICTMENT IS A PREREQUISITE FOR CRIMINAL PROSECUTION. TO STATE THE CONTRARY WOULD SUBTLY EXPAND OR FORCE CONSTRUCT THE APPLICABLE STATUTES FURTHER DEMONSTRATING THAT IT IS JURISDICTIONAL UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THESE TYPE OF FLAWS ARE DIFFERENT FROM A TYPICAL STATUTORY VIOLATION. THIS IS NOT A PROCEDURAL ERROR BUT A FUNDAMENTAL VIOLATION OF THE GRAND JURY SYSTEM BY EVEN THE INDICTMENTS TAKING AWAY THE PRESUMPTION OF INNOCENCE AND ADJUDICATING GUILT BY THE LANGUAGE CONTAINED THEREIN. THE GRAND JURY SERVES TO PROTECT CITIZENS FROM ARBITRARY PROSECUTIONS. THIS IS A CONSPICUOUS, EGREGIOUS, FAILURE. THEY ADJUDICATING GUILT BY THEIR LANGUAGE IN THIS FRAUD PROCURED INDICTMENT WHICH ARE A VIOLATION OF THEIR SHIELDING FUNCTION AND IS NOT A HARMLESS ERROR. IF AN INDICTMENT IS FOUND TO BE FRAUDULENT, THE CONVICTION IS INVALID, REGARDLESS OF WHETHER THE JURY LATER FOUND THE APPELLANT GUILTY. THE CONVICTION WOULD BE BASED UPON A PROCESS THAT WAS NEVER PROPERLY STARTED. THESE INDIVIDUALS ARE POTENTIALLY FACING PERJURY CHARGES AND OBSTRUCTION OF JUSTICE CHARGES WHICH IS WHY THEY HAD TO GET JUDGE NEWMAN TO ACT ON THEIR BEHALF IN THEIR JUDGE SHOPPING WHEN HER PRIOR ACTIVITIES REGARDING THIS MATTER IS STILL UNDER SCRUTINY PENDING BEFORE VARIOUS STATE AND FEDERAL COURTS PRODUCING IMPARTIALITY AND BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL. THEIR ACTIONS UNDERMINE THE APPELLANT'S RIGHTS OF DUE PROCESS AND THE GRAND JURY'S ROLE AS A PROTECTIVE "SHIELD", SAMPSON v. CLARKE, 2016 WL 5346076 (E.D.Va.2016); UNITED STATES v. SIMMONS, 2020 WL 6381805 (S.D.N.Y.2020); STATE v. CARRIER, 441 S.C. 547, 895 S.E.2d. 679(S.C.App.2023); STATE v. LEWIS, 434 S.C. 158, 863 S.E.2d. 1 (S.C.App.2021). ADDITIONAL LITIGATION SUBMITTED IN SUPPORT OF THIS ISSUE IS SEEN IN THE RECORD ON APPEAL IN EXHIBIT "INDICTMENT DEFECTS". EVEN THOUGH SOME OF THE ELEMENTS ARGUED IN

THE EXHIBIT VARY SLIGHTLY FROM THE APPELLANT'S CASE, THE SUBSIDIARY FACTS RELATED TO INDICTMENT DEFECTS AND UNCONSTITUTIONAL ACTION APPLY IN THE APPELLANT'S CASE.

(F) BY THE LITIGATION SUBMITTED WITHIN THE RECORD ON APPEAL, THERE IS CONSTRUCTIVE AMENDMENT OF THE INDICTMENT. CONSTRUCTIVE AMENDMENT OF AN INDICTMENT IS A PER SE VIOLATION OF THE 5TH. AMENDMENT IF IT EFFECTS AN ESSENTIAL ELEMENT OF THE OFFENSE WHICH IN THE APPELLANT'S CASE IT DOES. SUCH A VIOLATION REQUIRES REVERSAL OF THE CONVICTION, EVEN WITHOUT A SHOWING OF PREJUDICE, BUT ONCE PREJUDICE IS CLEARLY SHOW AS IT IS IN THIS CASE, OVERWHELMINGLY, THE SENTENCE AND CONVICTION MUST BE VACATED. THE ACTION VIOLATES DUE PROCESS AND IS UNCONSTITUTIONAL UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION WHICH VOIDS THE JUDGMENT AND CONVICTION, UNITED STATES v. PROMISE, 255 F.3d. 150 (4th.Cir.2001); UNITED STATES v. COYNE, 4 F.3d. 100 (2nd.Cir.1993); UNITED STATES v. MORGENSTEIN, 933 F.2d. 1108, 1115(2nd.Cir.1991); WILSON v. LINDLER, 995 F.2d. 1256; STIRONE v. UNITED STATES, 361 U.S. 212 (1960); DECH v. MISSOURI, 544 U.S. 622, 125 S.Ct. 2007, 161 L.Ed.2d. 953, 73 U.S.L.W. 4370(U.S.2005); UNITED STATES v. WHITFIELD, 695 F.3d. 288 CA4 (Va.2012); UNITED STATES v. MILLS, 555 Fed. Appx' 241 CA4 (Va.2014); UNITED STATES v. BANKS, 29 F.4TH. 168(4th.Cir.2022); UNITED STATES v. CONTRERAS-AVALOS, 137 F.4TH.314(4th.Cir.2025); UNITED STATES v. BREWBAKER, 87 F.4TH. 563(4th.Cir.2023). ADDITIONAL LITIGATION SUBMITTED FOR THIS ISSUE IS SEEN IN EXHIBIT "CONSTRUCTIVE AMENDMENT" IN THE RECORD ON APPEAL.

(10) IS THERE A LEGITIMATE CLAIM OF DEFAULT, FORFEITURE AND WAIVER IN THIS CASE?

THE COURT SEES THE LETTER FROM THE S.C. SUPREME COURT DATED JULY 2, 2025 INSTRUCTING THE RESPONDENT TO GO ON THE RECORD AND EXPLAIN WHY THIS CASE REMAINED UNRESOLVED FOR OVER 4 YEARS. NO TIME BEFORE THAT COURT WAS THE RESPONDENT IN COMPLIANCE TO THIS INSTRUCTION GIVEN TO HIM BY THE S.C. SUPREME COURT. THE RESPONDENT THEN FINALLY RESPONDED BEFORE THE KERSHAW COUNTY COURT

OF GENERAL SESSIONS SETTING UP THAT FRAUD UPON THE COURT JUDICIAL AMBUSH PROCEEDINGS CONDUCTED SEPTEMBER 2025 WITHOUT GIVING THE APPELLANT NOTICE OF A SPECIFIED DATE OF HEARING OR NOTICE THAT JUDGE NEWMAN INTENDED TO SIT UPON THE CASE UNTIL AFTER THE JUDGE AMBUSH PROCEEDING OCCURRED. THE RESPONDENT WAS ASKED AGAIN BEFORE THOSE PROCEEDINGS, WHY DID THE CASE SIT FOR OVER [4] YEARS WITHOUT A RESPONSE AND WHY DIDN'T HE RESPOND TO CHALLENGE THE DEFAULT BASED UPON THE CLAIM PROCESSING RULE THAT WAS TIMELY EXERCISED AND TRIGGERED AT THE ONE YEAR MARK OF THE PROCEEDING THAT WAS WITHOUT A DOUBT BROUGHT TO THE ATTENTION OF THE GENERAL SESSIONS COURT AND EVEN SERVED UPON THE CHIEF ADMINISTRATIVE JUDGE OF THE COUNTY. THE RESPONDENT WAS SPEECHLESS AND STILL, EVEN BEFORE THE GENERAL SESSIONS COURT COULD NOT EXPLAIN WHY THE CASE SAT SO LONG AND WHY HE DIDN'T CHALLENGE THE DEFAULT BASED UPON THE CLAIM PROCESSING RULE THAT WAS TIMELY EXERCISED AT THE ONE YEAR MARK OF THE DNA APPLICATION PROCEEDING AND IS ILLUSTRATED BY THE EXHIBIT IN THE RECORD ON APPEAL REGARDING THIS MATTER. THERE WAS NO RESPONSE TO THIS SUBSTANTIAL LEGAL DUE PROCESS JURISDICTIONAL QUESTION THOUGH THE RESPONDENT WAS GIVEN NUMEROUS TIMES TO RESPOND BEFORE THE S.C. SUPREME COURT AND KERSHAW COUNTY COURT OF GENERAL SESSIONS. THE UNITED STATES SUPREME COURT AND 4TH. CIRCUIT IS CLEAR ON THIS ISSUE. IF AN AFFECTED PARTY ALERTS THE COURT OF THE DEADLINE IN A CLAIM PROCESSING RULE AND INVOKES ITS PROTECTION, THE RELEVANT ACTION CANNOT BE TAKEN AFTER THE DEADLINE HAS PASSED MAKING THE PROCEEDING DONE TO ADDRESS THE MERITS PROCEDURALLY BARRED, A VIOLATION OF DUE PROCESS AND UNCONSTITUTIONAL UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION SUBJECTING THE STATE TO DEFAULT, FORFEITURE AND WAIVER FOR FAILING TO TIMELY RESPOND PURSUANT TO THE REQUIREMENTS OF THE CLAIM PROCESSING RULE RELIED UPON. THE DNA COURT WAS DIVESTED OF ANY AUTHORITY OR POWER TO ADDRESS THE MERITS IN THIS EGREGIOUS ACT OF FRAUD UPON THE COURT, STATE v. THOMPSON, 322 A.3d. 32, 62+ Md.; UNITED STATES v. WILLIAMS, 56 F.4TH. 366 (4TH.Cir.2023); UNITED STATES v. BRANTLEY, 87 F.4TH. 262 (4th.Cir.2023); UNITED STATES v. WHEELER, 886 F.3d. 415(4th.Cir.2018); WILLIAMS v. SECRETARY OF HEALTH AND HUMAN SERVICES, 176 Fed.Cl. 215, 217 Fed.Cl.; McINTOSH v. UNITED

STATES, 601 U.S. 330, 144 S.Ct. 980, 218 L.Ed.2d. 307(U.S.2024); HAMER v. NEIGHBORHOOD SERVICES OF CHICAGO, 583 U.S. 17, 138 S.Ct. 13(U.S.2017); UNITED STATES v. MARSH, 944 F.3d. 524 (4th.Cir.2019); FORTBEND COUNTY, TEXAS v. DAVIS, 587 U.S. 541, 139 S.Ct. 1843(U.S.2019); SANTOS-ZACARIA v. GARLAND, 598 U.S. 411, 143 S.Ct. 1103, 215 L.Ed.2d. 375(U.S.2023).

"FORFEITURE" IS THE FAILURE TO TIMELY ASSERT A RIGHT, WHILE "WAIVER" IS THE INTENTIONAL RELINQUISHMENT OR ABANDONMENT OF A KNOWN RIGHT. PURSUANT TO THE CLAIM PROCESSING RULE AND THE RESPONDENT'S FAILURE BEING GIVEN EVERY OPPORTUNITY TO EXPLAIN WHY THE CASE REMAINED UNRESOLVED FOR OVER [4] YEARS AND FAILING TO CHALLENGE THE CLAIM OF DEFAULT, FORFEITURE AND WAIVER BASED UPON THE CLAIM PROCESSING RULE WE HAVE BOTH "FORFEITURE AND WAIVER" WHICH IS COMPOUNDED BY JUDICIAL RULING UNDER BETTERMAN v. MONTANA, 136 S.Ct. 1609 THAT DETERMINED THE APPELLANT WOULD HAVE TAILORED RELIEF UNDER THE 5TH. AMENDMENT MADE APPLICABLE TO THE STATES AND DETERMINED HOLDING A CASE FOR [4] YEARS IS TOO LONG MAKING THOSE PROCEEDINGS UNCONSTITUTIONAL. IF THEY ARE UNCONSTITUTIONAL THEN THEY ARE VOID INCLUDING THE CONVICTION THAT IS ATTACHED TO IT WHICH IS SUPPORTED BY THE STATE'S FAILURE TO TIMELY BE IN COMPLIANCE TO THE CLAIM PROCESSING RULE RELIED UPON. THE APPELLANT STILL WANTS THAT DNA TESTED TO MICHAEL LEE, WANT HIM PROSECUTED, WANT THAT SLED INVESTIGATIVE FILE RELEASED, WANT THOSE GRAND JURY PANEL DOCUMENTS TO REVEAL THEIR CRIMINALITY, INCLUDING ORDER ISSUED TO EXPUNGE THE APPELLANT'S CRIMINAL RECORD AND THE GRANTING OF NAME CHANGE FROM LAWRENCE L. CRAWFORD TO JONAH GABRIEL JAHJAH T. TISHBITE WORKING IN COLLABORATION WITH THE FAMILY COURT IF NECESSARY WHICH WAS ALSO SOUGHT WITHIN THE DNA APPLICATION PROCEEDINGS AND BEFORE THE S.C. SUPREME COURT. THE RESPONDENT FAILED TO RESPOND BEFORE THE CLAIM PROCESSING RULE TRIGGERED AND IN VIOLATION OF HOLDINGS UNDER BETTERMAN SUBJECTING HIM TO DEFAULT, FOREITURE AND WAIVER. WHEN GIVEN NUMEROUS OPPORTUNITY TO PRESENT A VALID EXCUSE FOR THE INORDINATE DELAY AND FAILURE TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CLAIM PROCESSING RULE. HE GAVE NO RESPONSE AT ALL BUT CHOSE FRAUD IN JUDGE SHOPPING TO HAVE JUDGE NEWMAN DISMISSED THE CASE INSTEAD

OF TAKING OPPORTUNITY TO REBUT THE CLAIMS PRESENTED BASE UPON THE CLAIM PROCESSING RULE AND CLAIMS OF DEFAULT, FORFEITURE AND WAIVER. THEREFORE, IN FUNDAMENTAL FAIRNESS TO THE APPELLANT, THE CLAIM OF DEFAULT, FORFEITURE AND WAIVER MUST BE ESTABLISHED WITHIN ALL COURT RECORDS, WELLNESS INTERN, 135 S.Ct. 1932; IN RE: MILLENNIUM LAB HOLDINGS II, LLC., 575 B.R. 252 (D.Del.2017); IN RE: IMERYS TALC AMERICA, INC., --F.4TH.--, 2022 WL 2350264 (3rd.Cir.2022); MORGAN v. SUNDANCE INC., 142 S.Ct. 1708 (U.S.2022); HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO SUPRA..

SUBJECT MATTER JURISDICTION IS THE POWER TO DECLARE LAW, WHETHER IT BE UNDER THE DUE PROCESS/CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION OR THE STATUTORY/LEGISLATIVE ELEMENT TO SUBJECT MATTER JURISDICTION. THEREFORE, IT CANNOT BE WAIVED AND OR FORFEITED. THUS, WHEN IT CEASE TO EXIST, THE ONLY THING LEFT FOR THE COURT TO DO IS ANNOUNCE THIS FACT AND DISMISS THE CAUSE OF CONVICTION AGAINST THE ACCUSED WHICH IS NOW SOUGHT BEFORE THE S.C. COURT OF APPEALS, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL JUDGMENT WAS ISSUED IN THE CASE, EVEN FOR THE FIRST TIME ON APPEAL. THIS ISSUE IS TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. NOT THE STATUTORY ELEMENT THAT THE SOUTH CAROLINA COURTS HAVE MISTAKINGLY IN THE PAST ADJUDICATED THESE ISSUES UNDER. I AM ARGUING AGAINST THE PRECEDENT, SEBELIUS v. AUBURN REGIONAL MEDICAL CENTER, 133 S.Ct. 817, 184 L.Ed.2d. 627, 81 U.S.L.W. 4053 (U.S.2013); SIZWARD v. RIDDLE, F.Supp.2d., 2013 WL 707018 (DSC.2013); GRUPO DALAFLUX v. ATLAS GLOBAL L.P., 541 U.S. 567, 124 S.Ct. 192, 158 L.Ed.2d. 866(U.S.2004); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F.3d. 624 (4th.Cir.2016); SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY, --S.E.2d.--, 2020 WL 6154305 (S.C.App.2020); NATIONSTAR MORTG., LLC. v. MEISNER, S.E.2d., 2016 WL 1700516 (S.C.App.2016); OOO-RM INVEST v. NET ELEMENT INTERNATIONAL, INC., F.Supp., 2014 WL 12613282 (S.D.Fla.2014); KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362 (S.C.2019); FIRST CITIZEN BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249 (S.C.App.2020).

THE APPELLANT ALSO GIVES THE S.C. COURT OF APPEALS AND ALL PARTIES JUDICIAL NOTICE AS WAS ARGUED BEFORE THE LOWER DNA COURT BUT WAS IGNORED IN ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE. THIS IS A COLLATERAL ATTACK UPON THE "SENTENCING SHEETS" AS THIS STATE'S EQUIVALENT TO A "COMMITMENT ORDER" DECREERING AND OR ORDERING THAT THE APPELLANT BE COMMITTED TO THE S.C. DEPT. OF CORRECTIONS. IT IS AN INDISPUTABLE FACT THAT THE SENTENCING SHEETS ARE INDEED THIS STATE'S EQUIVALENT TO A COMMITMENT ORDER BY THE PLAIN LANGUAGE ON THE DOCUMENT. IT IS THE APPELLANT'S POSITION THAT IT WAS AN ACT OF FRAUD UPON THE COURT FOR THAT COMMITMENT ORDER AND OR SENTENCING SHEET TO BE SIGNED BY ANY JUDGE KNOWING GOOD AND WELL THESE SUBSTANTIAL, EGREGIOUS DUE PROCESS VIOLATIONS, CONSTITUTIONAL STRUCTURAL ERRORS, VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE AND JURISDICTIONAL ERRORS EXISTED IN THIS CASE, CONSPIRING UNDER STATE LAW TO FRAME A MAN BEHIND RELIGIOUS AND RACIAL HATRED. ANY CLAIM OF PROCEDURAL LIMITATION ON THE PART OF ANY PARTY AT THIS JUNCTURE WOULD BE WITHOUT MERIT. FRAUD VITIATES EVERYTHING THAT IT ENTERS AND A JUDGMENT PROCURED BY FRAUD MAY BE COLLATERALLY ATTACKED FOR THAT FRAUD UPON THE COURT. THIS APPLIES TO ALL ACTS, ORDERS, JUDGMENTS OR DECREES OF ALL COURTS ON RECORD, WHICH THE SENTENCING SHEET AS A COMMITMENT ORDER REPRESENT, MYLES v. DOMINOS PIZZ, LLC., 2017 WL 238436 (D.C.Miss.2017); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014). IT IS WELL SETTLED IN LAW THAT UNDER THE INDEPENDENT ACTION RULE THAT A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF ALL PROCEDURAL LIMITATIONS, IN RE: GENESYS DATA TECHNOLOGIES INC., 204 F.3d. 124 (4th.Cir.2000); CLEVELAND DEMOLITION CO. v. AZCON SCRAP CORP., 827 F.2d. 984(4th.Cir.1987); BROWNING v. NAVARRO, 826 F.2d. 315 (5th.Cir.1987); IN RE: SUNTRUST MORTGAGE, INC. SECURITIES LITIGATION, 461 F.Supp.3d. 399 (E.D.Va.2020).

(11) BY NEW CASE LAW COMING OUT OF THE S.C. SUPREME COURT, THE 4TH. CIRCUIT COURT OF APPEALS AND THE UNITED STATES SUPREME COURT, DID THE COURTS OF SOUTH CAROLINA FORCE CONSTRUCT AND OR SUBTLY EXPANDED THE STATUTES OF S.C. CODE ANN. §§ 19-1-80, 8-15-50 AND 19-1-90 ESSENTIALLY OUT OF EXISTENCE IN VIOLATION OF

THE PLAIN LANGUAGE RULE VIOLATING THE SEPARATION OF POWERS CLAUSE THAT REQUIRED THAT A SIGN RECEIPT AND COPY OF THE STATEMENT BE GIVEN TO THE PARTY AT THE TIME THE STATEMENT WAS MADE, VIOLATING DUE PROCESS, PRODUCING UNCONSTITUTIONAL ACTION WHICH WOULD VOID THE CONVICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION?

THE APPELLANT IS ARGUING AGAINST EVERY PRECEDENT SETTING CASE THAT EXIST WITHIN THIS STATE THAT ASSERTS THAT THIS REQUIREMENT IS NOT MANDATORY AND NECESSARY DUE TO THEY FORCE CONSTRUCTING AND OR SUBTLY EXPANDING THE APPLICABLE STATUTES IN VIOLATION OF DUE PROCESS LAW AND THE SEPARATION OF POWERS CLAUSE. WHEN THIS ISSUE WAS FIRST ARGUED THE COURTS VIOLATING THE STATUTE SAID IT CAN BE DONE WITHIN A WEEK. THEN LATER A MONTH. THEN LATER 6 MONTHS. THEN LATER A YEAR. THEN FINALLY JUST BEFORE A PERSON GOES TO TRIAL. THIS IS NOT LAWFUL AND STANDS IN EGREGIOUS VIOLATION OF THE PLAIN LANGUAGE OF THE APPLICABLE STATUTES. THE PREJUDICE FROM THIS UNCONSTITUTIONAL ACTION IS CLEARLY ESTABLISHED IN THE APPELLANT'S CASE WHERE BECAUSE OF THIS INJUSTICE, THE APPELLANT WAS STATEMENT AMBUSHED DURING HIS TRIAL WITH A FRAUD PRODUCED STATEMENT BY THE SOLICITOR CLAIMING THAT THE APPELLANT MADE THIS FRAUD PRODUCED STATEMENT, WHICH THE APPELLANT NEVER MADE, THAT WAS NEVER SIGNED BY THE APPELLANT, NOR WAS HE GIVEN A COPY OF THIS FRAUD PRODUCED STATEMENT WHICH STOOD IN BLATANT DEFIANCE TO THE APPLICABLE STATUTES SUBJECTING THE APPELLANT TO EXTREME PREJUDICE DURING HIS TRIAL PROCEEDINGS.

S.C. CODE ANN. § 19-1-80 PROVIDE:

"NO WITNESS IN ANY PRELIMINARY HEARING OR IN ANY CRIMINAL JUDICIAL PROCEEDING (EMPHASIS ADDED) **"OF ANY KIND OR NATURE"** [SHALL] (MANDATORY) BE EXAMINED OR CROSS EXAMINED BY ANY EXAMINER, SOLICITOR, LAWYER OR PROSECUTING OFFICER CONCERNING A WRITTEN STATEMENT FORMERLY MADE AND GIVEN TO ANY PERSON (EMPHASIS ADDED) EMPLOYED BY THE STATE, OR ANY COUNTY, CITY OR MINICIPALITY THEREOF, OR ANY PART OF ANY SUCH GOVERNING BODY, UNLESS IT BE FIRST SHOWN THAT "AT THE TIME OF THE MAKING OF THE STATEMENT" THE

WITNESS WAS GIVEN AN EXACT COPY OF THE STATEMENT, AND THAT BEFORE HIS EXAMINATION OR CROSS-EXAMINATION THE WITNESS WAS GIVEN A COPY OF THE STATEMENT AND ALLOWED A REASONABLE TIME IN WHICH TO READ IT".

S.C. CODE ANN. § 8-15-50 PROVIDE:

"WHENEVER ANY PERSON EMPLOYED BY THE STATE, OR ANY COUNTY, CITY, OR MUNICIPALITY THEREOF, OR ANY PART OF ANY SUCH GOVERNING BODY, SHALL TAKE A WRITTEN STATEMENT IN ANY INVESTIGATION OF ANY KIND OR NATURE FROM ANY PERSON, THE PERSON RECEIVING OR TAKING THE WRITTEN STATEMENT "SHALL" (MANDATORY) GIVE TO THE PERSON MAKING THE STATEMENT A COPY THEREOF AND "SHALL" (MANDATORY) OBTAIN FROM THE PERSON MAKING THE STATEMENT A SIGNED WRITTEN RECEIPT FOR THE COPY SO DELIVERED".

S.C. CODE ANN. § 19-1-90 PROVIDE:

"UNLESS THE PROVISIONS OF SECTIONS 8-15-50 AND 19-1-80 HAVE BEEN COMPLIED WITH, NO STATEMENT SUCH AS REFERRED TO IN THOSE SECTIONS SHALL BE ADMISSIBLE INTO EVIDENCE IN ANY CASE, NOR SHALL ANY REFERENCE BE MADE TO IT IN THE TRIAL OF ANY CASE"

THE LANGUAGE OF THESE STATUTES ARE CLEAR AND UNAMBIGUOUS WHICH DEMONSTRATE THAT THE PRIOR COURTS INVOLVED ABUSED THEIR DISCRETION AND ESSENTIALLY SUBTLY EXPANDED AND FORCED CONSTRUCTED THESE CLEAR PROVISIONS OF LAW OUT OF EXISTENCE STRIPPING THE APPELLANT OF DUE PROCESS PROTECTIONS SET IN PLACE BY THE SOUTH CAROLINA LEGISLATURE VIOLATING DUE PROCESS PRODUCING UNCONSTITUTIONAL ACTION ALSO SERVING TO VIOLATE THE APPELLANT'S RIGHTS UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE. THE APPELLANT IS ARGUING AGAINST ANY PRECEDENT CASE THAT STATES THE CONTRARY UNDER APPELLATE COURT RULE 217. BY THE PLAIN LANGUAGE RULE OF STATUTORY INTERPRETATION, THE PHRASE, "A COPY OF THE STATEMENT MUST BE GIVEN TO THE PERSON AT THE TIME IT WAS MADE" MEANS THAT THE COPY MUST BE PROVIDED TO THE PERSON DURING THE SAME INSTANCE OR PROCEEDING OR SITTING IN WHICH THEY MADE THE

STATEMENT. THE RULE REQUIRES GIVING THE WORDS THEIR ORDINARY MEANING TO INCLUDE THE WORDING THAT A RECEIPT MUST BE SIGNED FOR THE TAKING THEREOF, WITHOUT SEARCHING FOR ANY HIDDEN OR ALTERNATIVE LEGISLATIVE INTENT. "A COPY OF THE STATEMENT MUST BE GIVEN..." THIS IS A MANDATORY AND SPECIFIC REQUIREMENT. THE WORD "MUST" INDICATES THAT THERE IS NO DISCRETION; A COPY "MUST" BE GIVEN. "...TO THE PERSON MAKING THE STATEMENT..." THIS EXPLICITLY IDENTIFIES THE PERSON TO RECEIVE THE COPY AND OTHER CONDITIONS REQUIRED: THE ONE WHO MADE THE STATEMENT AT THE TIME IT WAS MADE". THIS IS THE MOST CRUCIAL PART OF THE PHRASE. IT DEFINES THE PRECISE TIMEFRAME FOR COMPLIANCE WITH THE STATUTE. IT DOES NOT MEAN "SOMETIME AFTER", OR "WITHIN A REASONABLE PERIOD", OR "SHORTLY AFTER". IT MEANS THAT THE DELIVERY OF THE COPY MUST BE CONTEMPORANEOUS WITH THE MAKING OF THE STATEMENT ITSELF. IF A COPY WAS NOT PROVIDED AT THE TIME THE STATEMENT WAS ALLEGEDLY MADE ALONG WITH THE OTHER STATUTORY CONDITIONS REQUIRED, THE COURT APPLYING THE PLAIN LANGUAGE RULE CANNOT ALLOW SUCH A STATEMENT INTO EVIDENCE OR ALLOW ANY EXAMINATION OR REFERENCE TO IT WHICH OCCURRED IN THE APPELLENAT'S CASE AT TRIAL TO THE APPELLANT'S EXTREME PREJUDICE. IT WAS INADMISSIBLE AND VIOLATED DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE PLAIN LANGUAGE RULE LIMIT'S THE COURT'S DISCRETION BY PREVENTING THEM FROM INTERPRETING THE LAW BASED UPON WHAT THEY "THINK" THE LEGISLATURE INTENDED TO SAY. BASED UPON THE PLAIN LANGUAGE RULE, "AT THE TIME IT WAS MADE" DOES NOT MEAN A DAY LATER OR WEEK LATE OR 6 MONTHS LATER OR BEFORE THE PERSON GOES TO TRIAL. THE PHRASE REQUIRES THE ACTION BE DONE CONTEMPORANEOUSLY--THAT IS, DURING THE SAME INSTANCE OR PROCEEDING OR SITTING IN WHICH THE STATEMENT WAS MADE. THE PHRASE "AT THE TIME IT WAS MADE" IS SPECIFIC AND TIME BOUND AS OPPOSED TO WORDS LIKE "IN A REASONABLE TIME" OR "SHORTLY THEREAFTER" WHICH IS NOT THE SAME GIVING WAY TO A MORE FLEXIBLE TIMELINE. IF THE LEGISLATURE INTENDED THIS THEY WOULD HAVE SPECIFICALLY SAID THIS. "AT THE TIME IT WAS MADE" IS DELIBERATE AND SIGNALS A STRICT REQUIREMENT. THE STATUTE WAS DESIGNED TO ENSURE FAIRNESS AND PREVENT POTENTIAL ABUSE SUCH AS THAT WHICH OCCURRED AT THE APPELLANT'S TRIAL DEMONSTRATING THE PREJUDICE

SUFFERED. IT GIVES THE PERSON IMMEDIATE ACCESS TO THE RECORD WHICH HELPS PREVENT DISPUTES OVER THE STATEMENT'S ACCURACY OR CONTENT LATER ON. DELIVERING COPY LATER AS THE COURTS ALLOWED BY SUBTLY EXPANDING AND FORCE CONSTRUCTING THE STATUTES UNDERMINE THIS PURPOSE. FOR A COURT FOLLOWING THE PLAIN LANGUAGE RULE, THE STATE FAILING TO PROVIDE THE COPY CONTEMPORANEOUSLY WOULD CONSTITUTE A VIOLATION OF THE STATUTE, REGARDLESS OF THE DELAY'S LENGTH VIOLATING DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION WHICH VOIDS THE JUDGMENT AND CONVICTION, KINGDOMWARE TECHNOLOGIES, INC. v. UNITED STATES, 579 U.S. 162, 136 S.Ct. 1969, 195 L.Ed.2d. 334 (U.S.2016); CRETE CARRIER CORP. v. SULLIVAN & SONS, INC., 2021 WL 2685253, * 6 D.Md.; MAINE COMMUNITY HEALTH OPTIONS v. UNITED STATES, 140 S.Ct. 1308, 1320+ U.S.; SUPERUS PHARMACEUTICALS, INC. v. IANCU, 913 F.3d. 1351, 1359 Fed.Cir.(Va.); MURPHY v. SMITH, 138 S.Ct. 784, 200 L.Ed.2d. 75, 86 U.S.L.W. 4069 (U.S.2018); JENNINGS v. RODROQUEZ, 138 S.Ct. 830, 200 L.Ed.2d. 112, 86 U.S.L.W. 4069(U.S.2018). THE WISDOM OF THE STATUTE IS NOT THE CONCERN OF THE COURTS TO DETERMINE OTHERWISE; IF THE STATUTE UNDER SCRUTINY DOES NOT VIOLATE THE STATE OR FEDERAL CONSTITUTIONS IT MUST STAND AND BE SUSTAINED, HODGES v. RAINEY, 341 S.C. 79, 533 S.E.2d. 578 (S.C.App.2000); BESSINGER v. R-N-M BUILDERS & ASSOCIATES, LLC., 421 S.C. 349, 806 S.E.2d. 731(S.C.App.2017); STATE EX REL BIAFORE v. TOMBLIN, 236 W.Va. 528, 782 S.E.2d. 223 (2016). MEMBERS OF THE COURT ARE INVESTED WITH THE AUTHORITY TO INTERPRET THE LAW, BUT THEY POSSESS NEITHER THE EXPERTISE NOR THE PREROGATIVE TO MAKE POLICY JUDGMENTS SUCH AS YOU CAN ESSENTIALLY GIVE THE STATEMENT ANYTIME YOU WANT AS LONG AS IT IS BEFORE TRIAL SUBTLY EXPANDING AND OR FORCE CONSTRUCTING THE STATUTES, NATIONAL FEDERATION OF INDEPENDENT BUSINESS V. SEBELIUS, 567 U.S. 519, 132 S.Ct. 2566, 182 L.Ed.2d. 450(U.S.2012); STEGALL v. T.M.C. MULTI-STATE INTER-GOVERNMENTAL EMPLOYEES BENEFITS POOLS, INC., 2019 WL 4855226, S.W. Rptr. (Tex.2019); IN RE: ARGON CREDIT, LLC.,--B.R.--, 2017 WL 4404269 (2017); UNITED STATES v. STE-BRI ENTERPRISES, INC., 2017 WL 4226873 (D.C.Ohio.2017).

BY THE COURT ALLOWING THE THE SOLICITOR TO GIVE THE STATEMENT AND BE IN COMPLIANCE TO THE STATUTES ANYWAY HE ESSENTIALLY SEES FIT, THE COURT ALLOWED THE SOLICITOR TO SUBTLY EXPAND OR FORCE CONSTRUCT THE STATUTE IN VIOLATION OF THE PLAIN MEANING AND OR LANGUAGE RULE WHICH VIOLATE DUE PROCESS AND THE SEPARATION OF POWERS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION WHICH VOIDS THE JUDGMENT, THE CONVICTION AND THE COURT'S ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, REQUIRING REVERSAL AND VACATING OF THE SENTENCE AND CONVICTION WHICH THE APPELLANT SEEKS, ALVAREZ v. RONQUILLO v. BONDI, 2025 WL 2371033 (4th.Cir.2025). WHEN THE TEXT OF THE STATUTE IS PLAIN AND UNAMBIGUOUS AND CONVEYS A CLEAR DEFINITE MEANING, THE LEGISLATIVE INTENT MUST BE DETERMINED FROM THE STATUTORY LANGUAGE ALONE. THE ACTIONS OF THE COURT REQUIRE REVERSAL AND VACATING OF THE SENTENCE AND CONVICTION WHICH THE APPELLANT MOTIONS FOR AND SEEKS, STATE v. SWEET,--S.E.2d.--, 2025 WL 2406216 (S.C.App.2025); PLANNED PARENTHOOD SOUTH ATLANTIC v. STATE, 445 S.C. 600, 916 S.E.2d. 299 (S.C.App.2025); UNITED STATES v. CHAUDHRI, 134 F.4TH. 166 (4th.Cir.2025)(THE SOLE FUNCTION OF THE COURTS, AT LEAST WHERE THE DISPOSITION REQUIRED BY THE TEXT IS NOT ABSURD, IS TO ENFORCE IT ACCORDING TO ITS TERMS); DUKE ENERGY CORPORATION v. SOUTH CAROLINA DEPARTMENT OF REVENUE, 445 S.C. 499, 914 S.E.2d. 873 (S.C.App.2025)(WHEN A STATUTE'S TERMS ARE CLEAR AND UNAMBIGUOUS ON THEIR FACE, THERE IS NO ROOM FOR STATUTORY CONSTRUCTION AND A COURT MUST APPLY THE STATUTE ACCORDING TO ITS LITERAL TERMS); ESTATE OF MEIER BY AND THROUGH MEIER v. BURNS, 445 S.C. 288, 914 S.E.2d. 130 (S.C.App.2025)(IF STATUTE'S LANGUAGE IS PLAIN AND UNAMBIGUOUS, AND CONVEYS A CLEAR AND DEFINITE MEANING, A COURT MUST GIVE EFFECT TO THAT CLEARLY EXPRESSED LEGISLATIVE INTENT AND HAS NO RIGHT TO IMPOSE OR LOOK FOR ANY OTHER MEANING). THE JUDGMENT MUST BE REVERSED AND VACATED.

CONCLUSION

INASMUCH, "ELIJAH MUST FIRST COME AND RESTORE ALL THINGS".

THE APPELLANT SEEKS THAT THE JUDGMENT BEFORE THE KERSHAW COUNTY DNA COURT BE REVERSED AND VACATED AND JUDGE NEWMAN BE REQUIRED TO RECUSE HERSELF FROM OFF THIS CASE. THE APPELLANT SEEKS THAT HIS CONVICTION AND SENTENCE BE VACATED, ORDER ISSUE TO EXPUNGE HIS CRIMINAL RECORD AND NAME CHANGED BE ORDERED GRANTED AS SOUGHT IN COLLABORATION WITH THE FAMILY COURT AS WAS EVEN ARGUED BEFORE THE S.C. SUPREME COURT. THE APPELLANT WANT MICHAEL LEE TO BE FOUND AND TESTED TO THOSE SAMPLES AND ALL SAMPLES TAKEN FROM HIS MINOR CHILD AT THE TIME OF HER DEATH TO BE TESTED TO DETERMINE IF THOSE SAMPLES CONTAIN ANY "DIPLOID" GENETIC MATERIAL IN THEM AS OPPOSED TO "HAPLOID" GENETIC MATERIAL AND SEEK THAT THE TESTING BE ORDERED DONE BY AN OUTSIDE INDEPENDENT SOURCE OR ENTITY BEYOND THE STATE OF SOUTH CAROLIA AS IS ARGUED IN THE EXHIBIT IN THE RECORD ON APPEAL. THE APPELLANT SEEKS THAT THE DEFAULT, FORFEITURE AND WAIVER BASED UPON THE CLAIM PROCESSING RULE BE ESTABLISHED WITHIN ALL COURT RECORDS. THE APPELLANT SEEKS THE GRAND JURY PANEL DOCUMENTS AND THE SLED INVESTIGATIVE FILE, FILE 5501014 THAT WAS UNLAWFULLY SUPPRESSED AT THE TIME OF HIS TRIAL. THE GENTRY, COTTON AND PARKHUST CASES ARE IN CONFLICT WITH RULING OUT OF THE U.S. SUPREME COURT UNDER STEEL CO., MONTGOMERY AND ROJAS AS WELL AS OTHER CASES IN THAT THEY ARE UNCONSTITUTIONALLY VAGUE BECAUSE NO WHERE WITHIN THOSE CASE DO THEY DETERMINE WHETHER A COURT, THOUGH HAVING JURISDICTION UNDER THE STATUTORY ELEMENT OF SUBJECT MATTER JURISDICTION, WOULD ACTS DONE WHILE ACTING UNDER THE STATUTORY ELEMENT TO JURISDICTION BE MADE VOID FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTIONS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THUS, MAKING USE OF THOSE CASES WOULD BE MISPLACED DUE TO VAGUENESS AND THE APPELLANTS CLAIMS BEING ARGUED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE APPELLANT SEEKS THAT IT BE ORDERED THAT THE APPELLANT BE SENT TO A PRE-RELEASE CAMP FOR TWO WEEKS PRIOR TO RELEASE TO ALLOW HIM TO OBTAIN CLOTHING AND FINANCES FOR THE PURPOSE OF HIS TRANSITION BACK INTO SOCIETY AND NOT JUST IMMEDIATELY DUMPED OUT ONTO THE STREET SINCE BY THE STATE'S ACTIONS ALL WAS LOST TO THE APPELLANT. REVERSAL IS REVERSAL, REGARDLESS OF REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW OR

JUDICIAL PROCESS IS NOT MERELY ERRONEOUS, BUT IS ILLEGAL AND VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, AND CANNOT BE A LEGAL CAUSE TO CONTINUE THE IMPRISONMENT, UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619, 738 Fed. Appx.' 136(4th.Cir.2018; PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cal.2017).

JURISDICTION REFERS TO THE COURT'S STATUTORY OR **"CONSTITUTIONAL"** (EMPHASIS ADDED) POWER TO ADJUDICATE CASES. WITHOUT JURISDICTION, A COURT, THE LOWER COURTS IN PARTICULAR, CANNOT PROCEED AT ALL. JURISDICTION IS THE POWER TO DECLARE LAW AND WHEN IT CEASE TO EXIST, THE ONLY THING LEFT FOR THE COURT TO DO IS ANNOUNCE THIS FACT AND DISMISS THE CAUSE OF CONVICTION AGAINST THE APPELLANT, HENSELEY v. CITY OF CHARLOTTE, 2023 WL 2533083 (W.D.N.C.2023); B.R. v. F.C.S.B., 17 F.4TH. 485(4th.Cir.2021); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); al-SUYID v. HIFTER, 139 F.4TH. 368 (4th.Cir.2025). MERE CLAIM THAT RIGHTS EXIST UNDER SUBJECT MATTER JURISDICTION WAS SUFFICIENT TO DEFEAT THE MOTION FOR SUMMARAY DISMISSAL OF THE DNA APPLICATION WHICH WERE INAPPROPRIATELY DENIED WITHIN THE LOWER COURT. THE COURT WAS NOT TO PROCEED TO ADDRESS ANY MERITS DUE TO THE DEFAULT BASED UPON THE CLAIM PROCESSING RULE THAT WAS TIMELY INVOKED AT THE ONE YEAR MARK, STOP RECKLESS ECONOMICS INSTABILITY CAUSED BY DEMOCRATS v. FEDERAL ELECTION COMM'N., 814 F.3d. 221 (4th.Cir.2016); WESTMINSTER NURSING CENTER v. COHEN, 2017 WL 5632661 (E.D.N.C.2017); FIRST PROTECTION INSURANCE COMPANY v. LEWIS EDWARD O'LEARY, 2025 WL 1936566 (4th.Cir.2025)(THE U.S. SUPREME COURT HAS STATED IN NO UNCERTAIN TERMS THAT COURTS ARE NOT FREE TO SIMPLY ASSUME THAT THEY POSSESS SUBJECT MATTER JURISDICTION AND THEN PROCEED TO DECIDE THE MERITS OF THE ISSUES BEFORE THEM WHEN THEIR JURISDICTION REMAINS IN DOUBT); JEFFERIES v. PRINCE GEORGE'S COUNTY, 2025 WL 590433 (D.Md.2025); KOKKONEN v. GUARDIAN LIFE INS. CO. OF AMERICA, 114 S.Ct. 1673(U.S.1994)(COURTS, ALL COURTS, STATE AND FEDERAL, ONLY POSSES POWER BY **"CONSTITUTION"** (EMPHASIS ADDED) AND STATUTE WHICH IS NOT

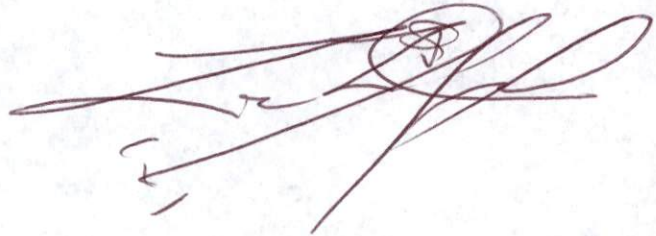
TO BE EXPANDED BY JUDICIAL DECREE. IT IS PRESUMED THAT THE CAUSE LIES OUTSIDE, BEYOND, THE COURT'S **"CONSTITUTIONAL"** JURISDICTION, AND THE BURDEN OF ESTABLISHING THE CONTRARY IS ON THE RESPONDENT TO PROVE OTHERWISE, COPER BRIGHT ENTERPRISES v. RAIMONDO, 603 U.S. 369, 144 S.Ct. 2244 (U.S.2024); LOZMAN v. CITY OF RIVERA BEACH, Fla., 133 S.Ct. 735(U.S.2013).

THE UNITED STATES SUPREME COURT BY RECENT RULINGS HAVE NOW MADE THE ISSUE OF SUBJECT MATTER JURISDICTION CLEAR AND UNAMBIGUOUS FOR ALL COURTS AROUND THE NATION, AT BOTH THE STATE AND FEDERAL LEVELS. THAT COURT DETERMINED:

"COURTS (BOTH STATE AND FEDERAL NO MATTER WHAT JURISDICTION IS GIVEN TO THEM BY ANY PARTICULAR STATUTE) HAVE NO **"CONSTITUTIONAL"** AUTHORITY (JURISDICTION) TO PASS ON THE MERITS (WHICH INCLUDE THE CRIMINAL COURT DUE TO ALL THE DUE PROCESS VIOLATION OR THE DNA COURT DUE TO THE DUE PROCESS VIOLATIONS WITH THE CLAIM PROCESSING RULE DEFAULT, FORFEITURE AND WAIVER) OF A CASE BEYOND THEIR JURISDICTION (THE EGREGIOUS ACTS OF FRAUD UPON THE COURT AND DUE PROCESS VIOLATIONS ARGUED AND SEPARATION OF POWERS CLAUSE ISSUES PLACES THE CONVICTION AND DNA PROCEEDINGS DISMISSAL BEYOND THE STATE'S ABILITY TO MAINTAIN AND LEAVE IN PLACE)---"TO DO SO IS, BY VERY DEFINITION FOR THE COURT OF APPEALS, THE DNA COURT, THE CRIMINAL TRIAL COURT TO ACT ULTRA VIRES", 523 U.S. AT. 102, 118 S.Ct. 1003. MUCH MORE THAN MERE NICETIES ARE AT STAKE HERE. THE STATUTORY (LEGISLATIVE PRONG) AND **"(ESPECIALLY)"** CONSTITUTIONAL ELEMENTS (PRONGS) OF JURISDICTION (SUBJECT MATTER JURISDICTION) ARE AN ESSENTIAL INGREDIENT OF SEPARATION AND EQUILIBRATION OF POWERS, RESTRAINING THE COURTS FROM ACTING AT CERTAIN TIMES, AND EVEN RETRAINING THEM FROM ACTING PERMANENTLY REGARDING CERTAIN SUBJECTS", ID. AT. 101, 118 S.Ct. 1003. "THIS TENET IS AS OLD AS THE BEDROCK AND ALMOST AS OLD AS THE COURT ITSELF", DEMONSTRATING RETROACTIVE IMPLICATIONS, CROSS-SOUND FERRY SERV., INC. v. I.C.C., 834 F.3d. 327, 339 (C.A.D.C.1991); THE CITY OF OCALA v. ROJAS, 598--U.S--, 2023 WL 2357328 (U.S.2023)(HIGHLIGHTING BOTH ELEMENTS OF SUBJECT MATTER JURISDICTION AND VOIDING OF JURISDICTION); WILKINS v. UNITED

STATES,--S.Ct.--, 2023 WL 2655449 (U.S.2023)(REGARDING CLAIM PROCESSING RULES AND THE VOIDING OF JURISDICTION); UNITED STATES v. BROWN,--F.4TH.--, 2023 WL 3214545 (4th.Cir.2023)(REGARDING THE PLACING OF PROPER ELEMENTS IN AN INDICTMENT AND VOIDING JURISDICTION): MONTGOMERY v. LOUISIANA, 136 S.Ct. 718(UNCONSTITUTIONAL ACTION DONE IN CRIMINAL CASES VOIDS JURISDICTION): STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998)(UNCONSTITUTIONAL ACTION UNDER BOTH THE STATUTORY AND CONSTITUTIONAL ELEMENTS TO SUBJECT MATTER JURISDICTION VOIDS JURISDICTION).

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in red ink, appearing to be 'Jonah The Tishbite', written in a cursive style with a large loop at the end.

SEPTEMBER 29, 2025

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2025-001856

APPEAL FROM THE COUNTY OF KERSHAW
IN THE COURT OF GENERAL SESSIONS

RECEIVED

OCT 02 2025

SC Court of Appeals

APPLICATION FOR FORENSIC DNA TESTING
CASE NO. 2004-GS-28-00385

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE ET.
AL.,

APPELLANTS-PETITIONERS

Vs.

THE STATE OF SOUTH CAROLINA; THE COUNTY OF KERSHAW,

RESPONDENTS-APPELLEES

AFFIDAVIT OF SERVICE

LAWRENCE L. CRAWFORD
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

APPELLANT

THE S.C. ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA, S.C. 29211
RESPONDENT

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN APPELLANT INITIAL BRIEF AND RECORD OF APPEAL ON THE SOUTH CAROLINA COURT OF APPEALS 1220 SENATE STREET, COLUMBIA, S.C. 29201, POST OFFICE BOX 11629, COLUMBIA, S.C. 29211 AND THE SOUTH CAROLINA ATTORNEY GENERAL OFFICE 1000 ASSEMBLY STREET, COLUMBIA, S.C. 29201 POST OFFICE BOX 11549 COLUMBIA, S.C. 29211, BY U.S. MAIL, POSTAGE PREPAID, BY DEPOSITING THEM IN THE INSTITUTION MAILBOX ON SEPTEMBER 29, 2025.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in dark ink, appearing to read 'Lawrence L. Crawford', written in a cursive style.

SEPTEMBER 29, 2025

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

IN RE: CASE NO. 2025-001856 AND FILING APPELLANT BRIEF AND RECORD
ON APPEAL

RECEIVED

OCT 02 2025

SC Court of Appeals

TO: THE S.C. COURT OF APPEALS,

ATTACHED YOU WILL FIND A COPY OF MY APPELLATE BRIEF
AND RECORD ON APPEAL SUBMITTED FOR THIS CASE. THE S.C. ATTORNEY
GENERAL HAS BEEN SERVED PLEASE FILE THESE DOCUMENT IN THE CASE
CAPTIONED ABOVE. FOR WHAT I UNDERSTAND THE STATE HAS (20) DAYS TO
RESPOND FROM THE DOCUMENT'S FILING. I THANK YOU IN ADVANCE. STILL
REMAIN,

RESPECTFULLY,
JONAH THE TISHBITE

SEPTEMBER 29, 2025

CC: THE S.C. ATTORNEY GENERAL
LAWRENCE L. CRAWFORD

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE



US POSTAGE
ZIP 28512 \$010.50⁰
02.4M
0000375442 SEP 30 2025

LAWRENCE L CRAWFORD
300839 F3B Rm 148
EVANS CI 610 Hwy 9 West
BENNETTSVILLE, SC 29512

RECEIVED

OCT 02 2023

SC Court of Appeals

SC COURT of APPEALS
P.O. Box 11629
Columbia, SC 29211