

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2024-001229

APPEAL FROM RICHLAND COUNTY
THE COURT OF COMMON PLEAS

RECEIVED

NOV 03 2025

SC Court of Appeals

PCR PROCEEDINGS CASE NO. 2019-CP-40-2444

DEXTER L. MEYERS,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO
WITHDRAW THE APPEAL DUE TO FRAUD UPON THE COURT,
CONSPIRACY AND OBSTRUCTION OF JUSTICE AND TO ESTABLISH
EQUITABLE TOLLING DUE TO SUCCESSIVE PCR UNDER THE
INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT; MOTION
TO RENEW THE MOTION TO CONTINUE TO ACT PRO SE

TO: THE S.C. COURT OF APPEALS ET. AL.,

ATTACHED THE S.C. COURT OF APPEALS AND ALL PARTIES WILL FIND:

(1) A COPY OF THE SUCCESSIVE PCR APPLICATION THAT MAKE UP CASE 2025-CP-400-7034 PENDING WITHIN THE RICHLAND COUNTY COURT OF COMMON PLEAS.

PURSUANT TO SOUTH CAROLINA APPELLATE COURT RULES, RULE 260(b) PROVIDE:

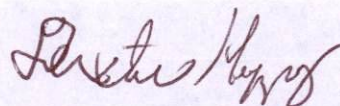
"IF THE PARTIES TO AN APPEAL OR OTHER PROCEEDING SHALL SIGN AND FILE WITH THE CLERK OF THE APPELLATE COURT AN AGREEMENT THAT THE PROCEEDINGS BE DISMISSED, THE APPROPRIATE COURT MAY ENTER AN ORDER OF DISMISSAL".

THE APPELLANT MOTIONS TO WITHDRAW AND OR DISMISS THIS APPEAL, BUT NOT WITHOUT FIRST PLACING THE EGREGIOUS ACTS OF FRAUD UPON THE COURT ON THE S.C. COURT OF APPEALS RECORD WHERE THE COURT AND STATE, CONSPIRING UNDER COLOR OF STATE LAW IN ACTS OF FRAUD UPON THE COURT, PREVIOUSLY AFFIRMED THIS APPEAL BECAUSE THEIR INTENT WAS TO PREVENT THE APPELLANT FROM NOTIFYING THE COURT PRIOR TO THEIR RULING TO ESTABLISH THE APPELLANT'S RIGHTS OF EQUITABLE TOLLING DUE TO WHAT IS ARGUED WITHIN THIS ATTACHED SUCCESSIVE PCR APPLICATION. THE APPELLANT RENEWS HIS PREVIOUS MOTION TO FILE HIS PROCEEDINGS PRE SE TERMINATING ANY EXISTING STATE APPOINTED COUNSEL DUE TO THIS ADDITIONAL ACT OF FRAUD UPON THE COURT, HINES v. STATE, 435 S.C. 476, 868 S.E.2d. 387(S.C.App.2021); GARDNER v. STATE, 351 S.C. 407, 570 S.E.2d. 184 (S.C.App.2002); OSBEY v. STATE, 425 S.C. 615, 825 S.E.2d. 48(S.C.App.2019).

INASMUCH, ONCE THE S.C. ATTORNEY GENERAL, THE STATE APPOINTED ATTORNEY GOT WIND THAT THE APPELLANT FILED THE SUCCESSIVE PCR APPLICATION. THE CONSPIRING PARTIES GOT THE LOWER CLERK OF COURT TO DELAY FILING OF THE PCR APPLICATION THOUGH IT GOT THERE BY CERTIFIED MAIL, NUMBER 7020 0640 0001 2733 9750

PRIOR TO THE S.C. COURT OF APPEALS RULING, TO PREVENT THE APPELLANT FROM ESTABLISHING RIGHTS OF EQUITABLE TOLLING AS IS ARGUED IN THE CURRENT PCR APPLICATION. THIS IS WHY THE APPELLANT MOTIONED FOR REHEARING TO ALLOW HIM TO GET THESE EGREGIOUS ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE ON THE COURT RECORD TO ESTABLISH THESE JURISDICTIONAL FACTS AND EQUITABLE TOLLING FOR ANY SUBSEQUENT INTENDED TO BE FILE PETITION FOR WRIT OF HABEAS CORPUS. THE APPELLANT HAS A DUE PROCESS RIGHT TO ESTABLISH A COMPLETE RECORD WITHIN THE LOWER COURT BEFORE ANY SOUGHT APPEAL WAS INTENDED TO BE EXERCISED WHICH WAS CLEARLY DENIED THE APPELLANT BY WHAT IS ARGUED WITHIN THE ATTACHED PCR APPLICATION THAT ESTABLISH CASE 2025-CP-400-7034. THE APPELLANT HAS A CONSTITUTIONAL DUE PROCESS RIGHT TO ESTABLISH A COMPLETE RECORD. THEREFORE, THE APPELLANT MOTIONS TO WITHDRAW AND OR DISMISS HIS APPEAL TO ALLOW HIM TO DO SO BY THE FILING OF CASE 2025-CP-400-7034 UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT, WHICH IS CURRENTLY PENDING BEFORE THE RICHLAND COUNTY COURT OF COMMON PLEAS, WALLACE v. DAY, 390 S.C. 69, 700 S.E.2d. 446 (S.C.App.2010); S.C.A.C.R., RULE 260(b); BRANNON v. STATE, 345 S.C. 437, 548 S.E.2d. 866 (S.C.App.2001); HUGHES v. STATE, 2016 WL 1452673 (S.C.App.2016); MOORE v. STATE, 399 S.C. 641, 732 S.E.2d. 871(S.C.App.2012).

RESPECTFULLY,
DEXTER L. MYERS



OCTOBER 29, 2025

2025-CP-400-7034

FORM 5

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
County of <u>RICHLAND</u>)	
<u>DEXTER L. MYERS #365377</u>)	
Full name and prison number (if any) of Applicant)	
)	<i>file in case</i>
v.)	<i>2024-001229</i>
)	APPLICATION FOR
State of South Carolina)	POST-CONVICTION RELIEF
)	
)	
)	

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention EVANS CORRECTIONAL INSTITUTION
F3A 610 HWY. 9 WEST BENNETTSVILLE, S.C. 29512
2. Name and location of Court which imposed sentence RICHLAND
COUNTY COURT OF GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) _____
SEE CASE 2019-CP-40-2444
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014-GS-40-5481 ATTEMPTED MURDER 1-of-16
 - (b) 2014-GS-40-5482 MURDER

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 (a) SEPTEMBER 4, 2015
 (b) "
 (c) "
6. Check whether a finding of guilty was made:
 (a) after a plea of guilty _____
 (b) after a plea of not guilty XXX
 (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
 YES

8. If you answered "yes" to (7), list:
 (a) the name of each Court to which you appealed:
 i. SEE CASE 2024-001229
 ii. "
 iii. "
 (b) the result in each such Court to which you appealed:
 i. SEE CASE 2024-001229
 ii. "
 iii. "
 (c) the date of each such result:
 i. "
 ii. "
 iii. "
 (d) if known, citations of any written opinion or orders entered pursuant to such results:
 i. "
 ii. "
 iii. "
9. If you answered "no" to (7), state your reasons for not so appealing:
 (a) N/A
 (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- 5TH., 6TH., 13TH., 14TH., 15TH. AMENDMENT VIOLATIONS; DUE
 (a) _____
 PROCESS VIOLATIONS, PROSECUTIONAL MISCONDUCT; SUBJECT
 (b) _____
 MATTER JURISDICTION; FRAUD UPON THE COURT; INEFFECTIVE
 (c) ~~ASSISTANCE OF COUNSEL~~ _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- AMENDED PCR APPLICATION IS FORTH COMING AND SEE
 (a) _____
 (b) THE ADDITIONAL PAGES OF THIS DOCUMENT. _____
 (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
 i. SEE CASE 2019-CP-40-2444 _____
 ii. " _____
 iii. " _____
 iv. " _____
- (b) the name and location of the Court in which each was filed:
 i. " _____
 ii. " _____
 iii. " _____
 iv. _____

(c) the disposition thereof:

- i. SEE CASE 2019-CP-40-2444
- ii. "
- iii. "
- iv. "

(d) the date of each such disposition:

- i. "
- ii. "
- iii. "
- iv. "

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. "
- ii. "
- iii. "
- iv. "

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) SUBJECT MATTER JURISDICTION CANNOT BE WAIVED AND OR
- (b) FORFEITED, CAN BE RAISED AT ANY TIME INCLUDING NOW.
- (c) COUNSEL WAS ALSO INEFFECTIVE AND OR COMPROMISED

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? SEE CASE 2024-001229
- (b) your trial, if any? "
- (c) your sentencing? "
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? "
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? "

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. SEE CASE 2024-001229
 - "
 - ii. "
 - "
 - iii. "
 - "
- (b) the proceedings at which each such attorney represented you:
 - i. "
 - "
 - ii. "
 - "
 - iii. "
 - "

THE APPLICANT ACKNOWLEDGE THAT THERE IS CURRENTLY A PENDING APPEAL BEFORE THE S.C. COURT OF APPEALS UNDER CASE NO. 2024-001229. THE APPLICANT IS SEEKING TO RELIEVE COUNSEL UNDER THAT CASE AND WITHDRAW THAT APPEAL TO ALLOW THE APPELLANT TO PURSUE ANOTHER LEGAL OPTION TO REPAIR THE DAMAGE THAT WAS CAUSED IN THIS CASE BY THE STATE PROSECUTOR COMPROMISING THE APPELLANT'S HIRED AND OR APPOINTED ATTORNEY TO PREVENT THE ESSENTIALLY NEEDED WITNESSES FROM COMING TO THE LOWER COURT TO PROPERLY ESTABLISH THE RECORD WHICH IN THE APPELLANT'S ASSESSMENT HAS CAUSED INJURY AND PREJUDICE TO THE APPEAL UNDRER CASE 2024-001229.

INSOMUCH, IT IS BEYOND DISPUTE THAT THE "SENTENCING SHEETS" ARE THE STATE'S EQUIVALENT TO A "COMMITMENT ORDER". THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. THIS PCR IS NOT MERELY FILED TO CORRECT THE INJUSTICE THAT OCCURRED UNDER CASE 2019-CP-40-2444 AND TO ATTACK THE INDICTMENT(S) AND OTHER CONSTITUTIONAL STRUCTURAL DUE PROCESS ERRORS THAT EXIST IN THIS CASE. THIS IS ALSO A COLLATERAL ATTACK UPON THE SENTENCING SHEET(S) WHICH ARE LEGALLY DESIGNATED AS "COMMITMENT ORDERS" AND TO ATTACK THE FINAL ORDER THAT WAS ISSUED UNDER CASE 2019-CP-40-2444 FOR FRAUD UPON THE COURT AND CHALLENGE THAT COURT'S JURISDICTION, AS WELL AS CHALLENGE TO THE CRIMINAL COURT'S JURISDICTION. THIS WOULD AUTOMATICALLY ESTABLISH CHALLENGE TO THE JURISDICTION OF ANY OTHER SUBSEQUENT STATE COURT THAT HEARD APPEAL RELATED TO THESE MATTERS, WHETHER APPEAL WAS DIRECT OR COLLATERAL IN REVIEW, DUE TO ANY FINAL ORDER BEING ISSUED FROM THE CRIMINAL COURT OR PCR COURT BEING JURISDICTIONAL REQUISITES TO ANY SUBSEQUENT APPELLATE REVIEW. IT WOULD BE AN ABUSE OF DISCRETION, OBSTRUCTION OF JUSTICE AND AN ACT OF FRAUD UPON THE COURT AND STATE TO DETERMINE THAT THE APPELLANT IS PROCEDURALLY BARRED WHEN MANY OF THE ISSUES INTENDED TO BE ARGUED WITHIN THIS CURRENT PCR APPLICATION ARE JURISDICTIONAL IN NATURE WHERE THE APPLICANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY 2005 AND STATE v. LANGFORD 2012 PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 INVOLVING LEGAL ISSUES THAT CANNOT BE WAIVED AND OR FORFEITED, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL JUDGMENT HAS BEEN

ENTERED IN ANY OF THE CASES ARGUED. BY NO MEANS IS THIS TO BE CONSIDERED HYBRID-DEFENSE SINCE THE CURRENT PCR IS FILED UNDER THE INDEPENDENT ACTION RULE AND THE APPLICANT CURRENTLY IS ACTING PRO SE FOR THIS PARTICULAR ACTION. AS IT RELATES TO THE COURT OF APPEALS, THE APPELLANT CAN FILE MOTION TO WITHDRAW THE APPEAL AND DISCHARGE THE STATE APPOINTED COUNSEL ESSENTIALLY NOTIFYING THE COURT OF THE INTENT TO SEEK LEAVE TO PROCEED WITHOUT COUNSEL WITHIN THAT COURT FOR THE PURPOSE OF WITHDRAWAL. THE APPELLANT WOULD HAVE THE DUE PROCESS RIGHT TO DISCHARGE THE ATTORNEY AT ANY TIME AND RIGHT TO WITHDRAW. THIS IS WHAT THE CLIENT WANTS PURSUANT TO RULES 260 AND 264. JURISDICTIONAL CHALLENGE IS BEING MADE UNDER THE DUE PROCESS AND CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INS. COMPANY, 2020 WL 60932(S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879, * 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, * 1, W.D.Tex.; ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235 (U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168 (Fed.Cl.2020); HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400 * 1 D.Md..

THE SENTENCING SHEET(S) AS "COMMITMENT ORDER(S)", ESTABLISH AND ORDER OR DECREE FROM THE GENERAL SESSIONS COURT TO COMMIT THE APPLICANT TO THE S.C. DEPT. OF CORRECTIONS PERTAINING TO THE APPLICANT'S CONVICTION WHICH IS A JURISDICTIONAL REQUISITE TO APPEAL ON DIRECT REVIEW AS THE FINAL ORDER UNDER CASE 2019-CP-40-2444 IS A JURISDICTIONAL REQUISITE TO ANY SUBSEQUENT COLLATERAL REVIEW. BOTH ARE COMING UNDER FIRE DUE TO UNCONSTITUTIONAL ACTION THAT SHALL BE ASSERTED WITHIN THIS DOCUMENT AND THE INTENDED SUBSEQUENT AMENDMENT, ALSO DUE TO THE CIRCUMVENTING AND OR FAILURE TO HEAR JURISDICTIONAL ISSUES THAT CANNOT BE WAIVED AND OR FORFEITED BY THE APPLICANT WHERE THE HIRED AND OR STATE APPOINTED LEGAL COUNSEL CONSPIRED UNDER COLOR OF STATE LAW WITH THE PROSECUTOR, COMPROMISING THAT COUNSEL,

VIOLATING MY CONSTITUTIONALLY PROTECTED RIGHT OF AUTONOMY, TO PREVENT THESE ISSUES FROM BEING HEARD AND THE NECESSARY APPEARANCE OF THE NEEDED KEY WITNESS WHICH WAS NOT A DECISION OF STRATEGY, VIOLATING U.S. SUPREME COURT HOLDINGS UNDER McCOY v. LOUISIANA, --S.Ct.--, 2018 WL 2186174(U.S.2018). SUCH UNCONSTITUTIONAL ACTION AND FRAUD UPON THE COURT(S) INVOLVED, WHERE THE COURT(S) WHERE PRIVY TO THESE INJUSTICES, INCLUDING THOSE DONE WITHIN THE STATE v. GENTRY COURT WHERE THAT COURT ADJUDICATED THE ISSUE OF SUBJECT MATTER JURISDICTION UNDER THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION WHEN IT SHOULD HAVE BEEN ADJUDICATED UNDER THE (DUE PROCESS) CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, RENDERS THE COMMITMENT ORDER(S) AT THE TRIAL LEVEL, AND THE FINAL ORDER UNDER CASE 2019-CP-40-2444, VOID FOR UNCONSTITUTIONAL ACTION WHERE IT IS OBVIOUS THAT THOUGH COURTS HAVE JURISDICTION GIVEN TO THEM BY STATUTE, THEIR JURISDICTION WITHIN CRIMINAL CASES CAN INDEED BE MADE VOID BY THE UNCONSTITUTIONAL ACTION OCCURRING WITH SUCH A CASE, MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016). THUS, DUE TO THESE JURISDICTIONAL CHALLENGES AND THE FRAUD UPON THE COURT(S) ARGUED WITHIN THIS DOCUMENT AND INTENDED TO BE ARGUED WITHIN THE FORTHCOMING AMENDMENT. ANY CLAIM OF STATUTE OF LIMITATIONS BAR OR SUCCESSIVE LIMITATIONS BAR OR OTHER PENDING ACTION IN THE COURT OF APPEALS WOULD NOT PREVENT REVIEW UNDER THIS PRESENTLY SUBMITTED PCR APPLICATION DUE TO SUCH CLAIMS BEING PROCEDURAL LIMITATIONS FOR WHICH A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF SUCH PROCEDURAL LIMITATIONS WHICH THE AFOREMENTIONED AND THOSE ARGUED WITHIN THIS DOCUMENT AND SOUGHT ARGUED ARE. 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(S), AS COMMITMENT ORDER(S) ALSO REPRESENT. SEE CITINGS OF LAW LISTED WITHIN THIS DOCUMENT. ALSO SEE MYLES v. DOMINOS PIZZA, 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).

INASMUCH, THIS FILING IS FILED UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT(S), INCLUDING THE GENTRY COURT, WHERE THE JUDGES WERE PRIVY TO ALL THAT OCCURRED CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL'S OFFICE, TO DEPRIVE THE APPLICANT OF CONSTITUTIONAL PROTECTIONS. DUE TO ATTACKING THE "SENTENCING SHEET(S)", WHICH ARE THIS STATE'S LEGALLY DESIGNATED "COMMITMENT ORDER(S)", AND THE FINAL ORDER UNDER CASE 2019-CP-40-2444, WHICH ALSO ESTABLISH JURISDICTIONAL CHALLENGE TO ANY SUBSEQUENT APPEAL THAT OCCURS AT THE STATE LEVEL, TO INCLUDE ALL OTHER JURISDICTIONAL AND DUE PROCESS VIOLATIONS INTENDED TO BE ARGUED IN THIS CASE, WHICH ARE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THEREFORE, THE STATE OF SOUTH CAROLINA, OR ANY RELEVANT COUNTY COURT OF COMMON PLEAS, OR THE S.C. ATTORNEY GENERAL, AND OR ANY RELEVANT COUNTY SOLICITOR'S OFFICE, CANNOT FAIRLY OR LEGALLY ASSERT THAT THE APPLICANT IS "TIME BARRED", OR THAT THE PCR IS "SUCCESSIVE" WHERE THOSE ORDER(S) IN QUESTION WOULD BE DEEMED UNCONSTITUTIONAL FROM THE DATE THEY WERE ENACTED AND OR DONE AND A VIOLATION OF DUE PROCESS LAW MUST BE DEEMED "VOID", WHICH IS THIS CURRENT PCR APPLICATION'S AIM. IT IS THE APPLICANT'S CLAIM THAT IT WAS AN ACT OF FRAUD UPON THE GENERAL SESSIONS COURT TO SIGN THE "COMMITMENT ORDER(S)", AND THE PCR COURT UNDER CASE 2019-CP-40-2444 TO SIGN THE FINAL ORDER, ABUSING THEIR DISCRETION WHEN THESE JURISDICTIONAL CHALLENGES EXISTED WHICH CANNOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, EVEN AFTER A FINAL ORDER WAS ISSUED WHERE THE COURT AND PROSECUTOR, COMPROMISING THE APPLICANT'S ATTORNEY TO PREVENT REVIEW, KNEW GOOD AND WELL, CONSPIRING UNDER COLOR OF STATE LAW, THAT THESE SUBSTANTIAL DUE PROCESS AND UNCONSTITUTIONAL STRUCTURAL ERRORS ARGUED IN THIS DOCUMENT AND ITS FORTHCOMING AMENDMENT EXISTED IN THIS CASE WHICH ARE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, 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.App.2019); FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020).

THEREFORE, ANY RELEVANT PCR COURT SIGNING ANY RELEVANT FINAL ORDER(S) AND THE SIGNING OF THE COMMITMENT ORDER(S) "SENTENCING SHEET(S)" IN THE GENERAL SESSIONS COURT ARE UNCONSTITUTIONAL AND THE GENERAL SESSIONS COURT, AND ANY RELEVANT COMMON PLEAS COURT'S JURISDICTION IS VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR SIGNING THEM, CORRUPTING THOSE PROCEEDINGS IN THEIR ENTIRETY, AS WELL AS ANY CONVICTION ATTACHED TO THEM BEING A NULLITY AND IS AS IF THERE WERE NO COMMITMENT ORDER(S), "SENTENCING SHEET(S)" OR CONVICTION ATTACHED THERETO, WHICH INCLUDE ANY SIGNED POST CONVICTION SIGNED ORDER(S) MADE OR DONE AT ALL. IT IS WELL SETTLED IN LAW ALSO UNDER THE INDEPENDENT ACTION RULE, THAT A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF ALL PROCEDURAL LIMITATIONS SUCH AS ANY CLAIMS OF STATUTE OF LIMITATIONS, SUCCESSIVE FILING OR THAT ANY OTHER ACTION IS PENDING DUE TO FRAUD UPON THE COURT AND JURISDICTIONAL CLAIMS THAT ARE NOW ARGUED AND INTENDED ARGUED IN THE FORTHCOMING AMENDED PCR APPLICATION, WHERE ALL THE AFOREMENTIONED ARE FORMS OF PROCEDURAL LIMITATIONS, IN RE: GENESYS DATA TECHNOLOGIES, INC., 204 F.3d. 124 (4th.Cir.2000); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016); UNITED STATES v. LIBOUS, 858 F.3d. 64 (2nd.Cir.2017). ALSO SEE ATTACHED EXHIBIT(S) "COMMITMENT ORDER ATTACK" AND "CASE HISTORY".

SUBJECT MATTER JURISDICTION IS THE POWER TO DECLARE LAW, WHETHER IT BE UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG AND OR ELEMENT TO SUBJECT MATTER JURISDICTION OR UNDER THE STATUTORY/LEGISLATIVE PRONG AND OR 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 APPLICANT WHICH CAN BE RAISED AT ANY TIME, AT ANY

STAGE, EVEN AFTER A FINAL ORDER HAS BEEN ISSUED, EVEN FOR THE FIRST TIME ON APPEAL, ESPECIALLY IN LIGHT OF THE FACT THAT WE HAVE FRAUD UPON THE COURT ATTACHED TO THE JURISDICTIONAL CLAIMS MADE, ALSO INVOLVING THE GENTRY COURT WHERE THE APPLICANT IS ARGUING AGAINST THE PRECEDENT UNDER RULES OF APPELLATE PROCEDURE, RULE 217 AND THE APPLICANT DO NOT NEED THE COURT'S PERMISSION TO DO SO. THE APPLICANT MUST BE GIVEN FULL OPPORTUNITY TO PRESERVE THESE JURISDICTIONAL CLAIMS AND THE OBSTRUCTING OF THE "KEY" WITNESS WITHIN THE LOWER COURT BEFORE THIS CASE COMES UP TO THE COURT OF APPEALS BY HIS RIGHTS UNDER THE DUE PROCESS CLAUSE. AGAIN, THE ISSUES AND CLAIMS ARE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT AND OR PRONG TO SUBJECT MATTER JURISDICTION, NOT THE STATUTORY/LEGISLATIVE PRONG OR ELEMENT THAT THE GENTRY COURT AND OTHER STATE COURTS IN ABUSE OF DISCRETION HAVE MISTAKINGLY ADJUDICATED THESE MATTERS UNDER SINCE THE GENTRY RULING, 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 SUPRA.; NATIONSTAR MORTG., LLC. v. MEISNER SUPRA.; OOO-RM INVEST v. NET ELEMENT INTERNATIONAL, INC., SUPRA.; KOSCIUSKO v. PARHAM SUPRA.; FIRST CITIZEN BANK AND TRUST COMPANY, INC. v. TAYLOR SUPRA..

FOR THE RECORD. THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. TO PREVENT THE PROSECUTOR OR STATE FROM MAKING A TOTALLY MERITLESS STATEMENT OR ASSERTION. IT DOESN'T MATTER WHERE THE APPLICANT GOT THE LEGAL ISSUES FROM FOR WHICH HE SEEKS RELIEF THAT ARE INTENDED TO BE FILED. THEY COULD HAVE COME FROM "FREDDIE CRUEGER", "BARACK OBAMA", "IRON MAN", "ABRAHAM LINCOLN", "THE INSTITUTION LAW LIBRARY CLERK" OR "THE INCREDIBLE HULK". IT DOESN'T MATTER WHO THE APPLICANT WORKED CONJUNCTIVELY WITH TO PRODUCE HIS LEGAL ISSUES THAT ARE TO BE ARGUED. ONCE THE APPLICANT "PERSONALLY" ENGAGED IN RESEARCH WHETHER IT BE ALONE OR

WITH OTHER PARTIES, AND THE APPLICANT "PERSONALLY" DETERMINED THAT THE LEGAL ISSUES IMPACT HIS CONVICTION DIRECTLY, AND THEN "PERSONALLY" DECIDES TO PLACE THE LEGAL ISSUES FORTH IN HIS PCR? BY THE APPLICANT'S CONSTITUTIONAL DUE PROCESS RIGHT OF AUTONOMY, THE APPLICANT CANNOT BE PROCEDURALLY BARRED OR PREVENTED IN DOING SO. THE RIGHT TO DEFEND IS PERSONAL, AND THE DEFENDANT'S CHOICE IN EXERCISING THAT RIGHT MUST BE HONORED OUT OF THE RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF LAW. THE APPLICANT IS "MASTER" TO DECIDE WHAT LAW HE WILL RELY UPON, PEOPLE v. FLORES, 34 Cal. App. 5TH. 270, 246 Cal. Rptr.3d. 77 (Cal.2019); COLE v. STATE, 590 S.W.3d. 1, 3, Tex. App. BEAUMONT (Tex.2019); THE FAIR v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410(U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425(U.S.1987); LANCASTER v. KAISER FOUNDATION..., 958 F.Supp. 1137 (E.D.Va.1997); POWERS v. SOUTH CENTRAL UNITED FOODS & COMMERCIAL WORKERS,..., 719 F.2d. 760(5th.Cir.1983).

A VIOLATION OF AUTONOMY IS COMPLETE WHEN THE COURT ALLOWS COUNSEL OR THE COURT ITSELF, TO USURP CONTROL OF AN ISSUE WITHIN THE APPLICANT'S SOLE PREROGATIVE, SUCH AS HIS DESIRE TO FILED INDEPENDENT ACTION FOR FRAUD UPON THE COURT, OR WHAT LEGAL ISSUES HE INTENDS TO ARGUE WITHIN THAT ACTION, WHEN PRESENT, SUCH AN ERROR IS NOT SUBJECT TO HARMLESS ERROR REVIEW, McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821, 86 U.S.L.W. 4271 (U.S.2018); MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); WILLIAMS v. UNITED STATES, 2018 WL 4656231 (D.Conn.2018); UNITED STATES v. COBBLE, 2018 WL 4283063 (M.D.Ga.2018).

THE APPLICANT WOULD BE ENTITLED TO EQUITABLE TOLLING UNDER THESE CIRCUMSTANCES WHERE THE APPLICANT WAS PREVENTED FROM CALLING IN AN ESSENTIAL "KEY" WITNESS TO HIS CLAIM AND THE DEPRIVATION WAS NOR BASED UPON STRATEGY, BUT BEING COMPROMISED BY THE STATE PROSECUTOR PRODUCING EXTRAORDINARY CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL AND THE APPLICANT IS EXERCISING REASONABLE DUE DILIGENCE IN SEEKING TO HAVE THE INJUSTICE REMEDIED. THE FRAUD UPON THE COURT INTENDED ARGUED AND THE

PROSECUTOR COMPROMISING THE APPLICANT'S ATTORNEY CONSTITUTE EXTRAORDINARY CIRCUMSTANCES FOR THE PURPOSE OF EQUITABLE TOLLING BY PREVENTING THE KEY WITNESS FROM APPEARING. THE FRAUDULENT CONDUCT UNDERMINES THE INTEGRITY OF THE JUDICIAL PROCESS IS A SERIOUS ETHICAL VIOLATION THAT SUBVERTS THE FAIR ADMINISTRATION OF JUSTICE. THIS TYPE OF DECEIT DIRECTLY CORRUPTS THE COURT'S ABILITY TO FUNCTION IMPARTIALLY AND FAIRLY, AND IS TREATED VERY SERIOUSLY. THEIR ACTION PREVENTED THE APPLICANT FROM DISCOVERING FACTS NECESSARY TO THE FILING OF THE PCR. WITHOUT THE KEY WITNESS THE APPLICANT WAS SEVERELY PREJUDICED DURING THE ORIGINAL TRIAL. THE ACTION WOULD DIRECT IMPACT THE FAIRNESS OF THE CONVICTION, WHICH WAS THE VERY THING THE PRIOR PCR CASE WAS TO ADDRESS. THE U.S. SUPREME COURT'S DECISION IN HOLLAND v. FLORIDA, 560 U.S. 631 (U.S.2010), IS A KEY CASE SUPPORTING THE APPLICATION OF EQUITABLE TOLLING FOR ATTORNEY MISCONDUCT WHERE THEY WORKED TO PREVENT THE KEY WITNESS FROM APPEARING DESPITE THE APPLICANT'S REPEATED REQUESTS. THE ALLEGED CONDUCT OF THE PROSECUTOR COMPROMISING THE DEFENSE ATTORNEY TO PREVENT KEY WITNESS FROM TESTIFYING IS FAR MORE EGREGIOUS THAN THE ATTORNEY NEGLIGENCE IN HOLLAND AND WOULD BE CONSIDERED EXTRAORDINARY CIRCUMSTANCES THAT PREVENTED THE APPLICANT FROM DISCOVERING THE FULL EXTENT OF THE FRAUD AND PURSUING HIS RIGHTS, THEREBY WARRANTING EQUITABLE TOLLING. IN THE CASE OF PELZER v. STATE, 378 S.C. 516, 662 S.E.2d. 618(S.C.App.2008), PROVIDES SUPPORT FOR THE PRINCIPLE OF EQUITABLE TOLLING TO PREVENT UNFAIRNESS HOLDING THAT EQUITABLE TOLLING IS NECESSARY TO PREVENT UNFAIRNESS WHERE A DILIGENT PLAINTIFF FILED A DEFECTIVE PLEADING DURING A STATUTORY PERIOD. THE UNDERLYING PRINCIPLE IS DIRECTLY RELEVANT. IF THE SOUTH CAROLINA COURT IS WILLING TO TOLL A DEADLINE TO PREVENT UNFAIRNESS IN A CASE INVOLVING A DEFECTIVE FILING BY A DILIGENT PETITIONER, IT WOULD LOGICALLY APPLY EQUITABLE TOLLING IN A MUCH MORE EGREGIOUS SCENARIO INVOLVING FRAUD UPON THE COURT BY THE PROSECUTOR COMPROMISING THE APPLICANT'S COUNSEL TO PREVENT THE APPEARANCE OF A KEY WITNESS. ATTORNEY MISCONDUCT ORCHESTRATED BY THE STATE IS CLEAR CAUSE FOR EQUITABLE TOLLING, HOLLAND v. FLORIDA SUPRA.; HARRIS v. HUTCHENSON, 209 F.3d. 325 (4th.Cir.2000); ROUSE v. LEE, 339 F.3d. 238 (4th.Cir.2003); PACE

v. DiGUGLIELMO, 125 S.Ct. 1807 (U.S.2005). THE ADDITIONAL JURISDICTIONAL LEGAL ISSUES ARE FORTHCOMING VIA THE FILING OF AN AMENDED APPLICATION ONCE THIS PCR APPLICATION IS FILED AND ASSIGNED A CASE NUMBER.

19. State clearly the relief you seek in filing this application:

SENTENCE AND CONVICTION REVERSED AND VACATED; ORDER
ISSUED EXPUNGING MY RECORD.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of RICHLAND)

VERIFICATION

I, DEXTER MYERS #365377, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Dexter Myers

SWORN to and subscribed before me this 26
day of September, 2025

Sandra Oulow (L.S.)
Notary Public

My Commission Expires: 2/28/34

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, DEXTER MYERS #365377, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Dexter Myers
Applicant

SWORN or affirmed to and subscribed before me this
20 day of September, _____.

Sandra Oulston
Notary Public

My Commission Expires: 2/28/34

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2024-001229

APPEAL FROM RICHLAND COUNTY
THE COURT OF COMMON PLEAS

PCR PROCEEDINGS CASE NO. 2019-CP-40-2444

DEXTER L. MEYERS,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF SERVICE

I, DEXTER L. MEYERS, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO WITHDRAW THE APPEAL DUE TO FRAUD UPON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE AND TO ESTABLISH EQUITABLE TOLLING DUE TO SUCCESSIVE PCR UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT; MOTION TO RENEW THE MOTION

RECEIVED

NOV 03 2025

SC Court of Appeals

TO CONTINUE TO ACT PRO SE, ON THE S.C. COURT OF APPEALS AND ALL INVOLVED PARTIES, BY U.S. MAIL POSTAGE PREPAID, BY DEPOSITING IT IN THE INSTITUTION MAILBOX ON OCTOBER 29, 2025.

RESPECTFULLY,

DEXTER L. MYERS

A handwritten signature in dark ink, reading "Dexter Myers". The signature is written in a cursive style with a large, stylized initial "D".

OCTOBER 29, 2025

DEXTER L. MEYERS
#365377 RHU. ROOM 204
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

IN RE: CASE NO. 2024-001229 MOTIONING TO WITHDRAW THE MOTION FOR
REHEARING

RECEIVED

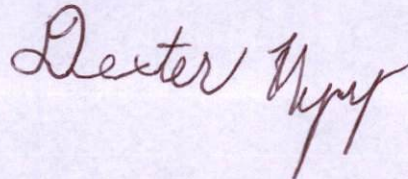
NOV 03 2025

SC Court of Appeals

TO: THE S.C. COURT OF APPEALS,

ATTACHED THE COURT WILL FIND IS A PLEADING WITH IT'S
ATTACHMENT FILED FOR THE PURPOSE OF SEEKING TO WITHDRAW THE
PREVIOUS FILED MOTION FOR REHEARING. PLEASE FILE IN THE ABOVE
CAPTIONED CASE FOR ADJUDICATION. I THANK YOU IN ADVANCE. STILL
REMAIN,

RESPECTFULLY,
DEXTER L. MYERS

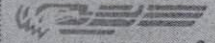


OCTOBER 29, 2025

Dexter Myers
365377 RHU 204
Evans C.I 610 Hwy 9 West
Bennettsville, SC 29512



US POSTAGE — EFTENY BOWEN



ZIP 29512 \$ 002.72⁰
02 4W
00378442 OCT 29 2025

RECEIVED

NOV 03 2025

SC Court of Appeals

SC Court of Appeals

P.O. Box 11629

Columbia, SC 29211