

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

CASE DOCKET NO. 2025-001856

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SC Court of Appeals

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

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
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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 INCUPLICATE 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.

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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 TESTIFIED 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. SEEMINGLY 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 YAHDIRA 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 BE DEEMED 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 SHOWN 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. 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.

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).

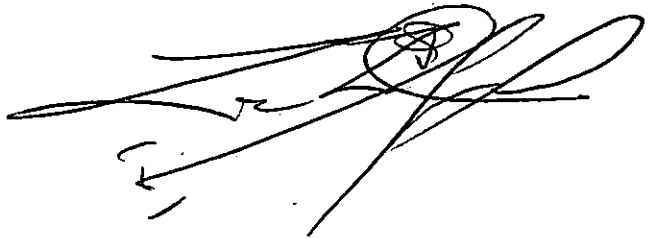
THE UNITED STATES SUPREME COURT BY RECENT RULINGS HAVE NOW MADE THE ISSUE OF SUBJECT MATTER JURISDICTION CLEAR AND UNAMBIGUOUS FOR ALL COURTS AROUND THE NATION, AT BOTH THE STATE AND FEDERAL LEVELS. THAT COURT DETERMINED:

"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 black ink, appearing to be 'Jonah The Tishbite', with a large circular flourish at the end.

SEPTEMBER 29, 2025

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

AFFIDAVIT OF SERVICE

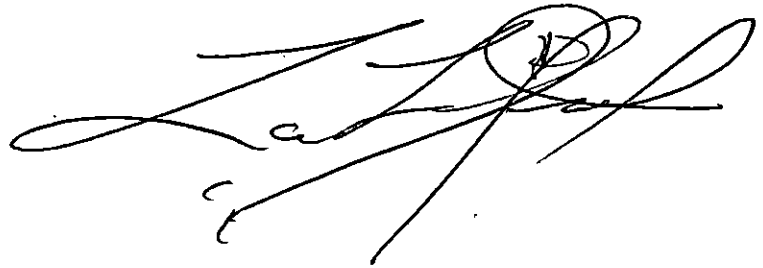
LAWRENCE L. CRAWFORD
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

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 APELLANT 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 black ink, appearing to read 'Lawrence L. Crawford', with a large, stylized flourish at the end.

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



LAWRENCE L Crawford
#300839 F3B Rm 148
EVANS CT 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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 14, 2025

Lawrence Crawford
Evans Correctional Institution
610 Highway 9 West
Bennettsville SC 29512

Re: Lawrence L. Crawford v. State of South Carolina
Appellate Case No. 2025-001856

Dear Mr. Crawford:

This will acknowledge receipt of your filings we received on October 2, 2025.

We are returning your filings of the appellant's initial brief and record on appeal as they have been untimely filed.

Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

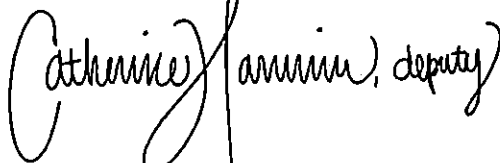
Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

ahzls

You must advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,


CLERK

cc: Mark Reynolds Farthing, Esquire

⑤
IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2025-001856

RECEIVED

OCT 02 2025

SC Court of Appeals

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

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

APPENDICES

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

(1) EXHIBIT "CRAWFORD NO. 1". THIS IS A COPY OF THE DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE; MOTION TO STRIKE THE RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE OR EXCUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR", [24]PAGES DATED JULY 8, 2025.

(2) EXHIBIT, "CRAWFORD NO. 2". THIS IS A COPY OF THE AFFIDAVIT OF SERVICE AND RULE 56 AFFIDAVIT SUBMITTED IN OPPOSITION TO MOTION FOR SUMMARY DISMISSAL OF APPLICATION FOR FORENSIC DNA TESTING; MOTION TO FILE OBJECTIONS TO ANY EFFORT TO THE ATTEMPTS AT SUMMARY DISMISSAL RENEWING THE PREVIOUS FILED MOTION TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR, [24] PAGES DATED JULY 8, 2025", THIS [23] PAGE DOCUMENT IS DATED NOTARIZED JULY 24, 2025 ALONG WITH A COPY OF THE LETTER FROM THE S.C. SUPREME COURT DATED JULY 2, 2025.

(3) EXHIBIT, "CRAWFORD NO. 3". THIS IS A COPY OF THE COVER LETTER DATED AUGUST 5, 2025 AND DOCUMENT ENTITLED, "AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO DISQUALIFY SLED AND THE STATE OF SOUTH CAROLINA ENTITIES FROM CONDUCTING THE DNA ANALYSIS SEEKING TO HAVE IT DONE BY AN INDEPENDENT SOURCE AND OR ENTITY DUE TO CONFLICT OF INTEREST AND MOTION TO MOTION THEREOR", [5] PAGES DATED AUGUST 5, 2025. WHATEVER ORDER COMES OUT OF THE S.C. COURT OF APPEALS. THE APPELLANT WANTS IT TO INCLUDE AN ORDER REQUIRING THAT THE SOUGHT DNA TESTING BE DONE BY A NEUTRAL, IMPARTIAL ENTITY OUTSIDE OF THE STATE OF SOUTH CAROLINA.

(4) EXHIBIT, "CRAWFORD NO. 4". THIS IS A COPY THE AFFIDAVIT OF SERVICE AND RULE 56 AFFIDAVIT FILED IN OPPOSITION TO SUMMARY DISMISSAL; MOTION TO RENEW THE PREVIOUS FILED AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO CHALLENGE THE KERSHAW

COUNTY GENERAL SESSIONS COURT JURISDICTION TO HOLD A MERITS HEARING ON SEPTEMBER 2, 2025 DUE TO VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE AND UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR, (4) PAGES DATED JULY 28, 2025; NOTICE OF PENDENT JURISDICTION UNDER § 1983; MOTION TO ESTABLISH RIGHTS UNDER THE F.S.I.A.", [8] PAGES DATED NOTARIZED AUGUST 25, 2025. EXHIBITS CRAWFORD 1-4 WERE FILED BEFORE THE S.C. SUPREME COURT IN SEEKING TO INVOKE THAT COURT'S ORIGINAL JURISDICTION. THE COURT DECLINED TO HEAR THE MATTERS IN THEIR ORIGINAL JURISDICTION. THE DENIAL OF ACCEPTANCE WITHIN THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS NOT A RULING ON THE MERITS OF THE CLAIMS SUBMITTED WITHIN THESE EXHIBITS. THEREFORE, SINCE THEY WERE ALSO FILED BEFORE THE LOWER COURT WHICH WAS RULED ON BY THE COMPROMISED JUDGE NEWMAN. THEY ARE NOW SOUGHT ADJUDICATION ON THE MERITS BEFORE THE S.C. COURT OF APPEALS BY THE APPELLANT'S RIGHTS OF DUE PROCESS LAW.

(5) EXHIBIT, "CONSTITUTIONAL STRUCTURAL ERROR". THIS IS A COPY OF THE LITIGATION HIGHLIGHTING HOW THE INDICTMENT(S) BY THE LANGUAGE CONTAINED THEREIN, PREDETERMINE THE OUTCOME OF THE PROCEEDING AND TAKE AWAY THE APPELLANT'S PRESUMPTION OF INNOCENCE AND SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT. THIS WAS DONE IN THE APPELLANT'S CASE IN VIOLATION OF DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION.

(6) EXHIBIT, "SHAM LEGAL PROCESS". THIS IS A COPY OF THE LITIGATION THAT ARGUES THAT THE STATE OF SOUTH CAROLINA AND COUNTY OF KERSHAW ON THE DAY OF TRIAL RUBBER STAMPED AN INDICTMENT IN ACTS OF FRAUD UPON THE COURT GIVING THE FALSE IMPRESSION THAT THE INDICTMENT WAS PASSED UPON BY THE GRAND JURY WHEN NO SUCH GRAND JURY REVIEW OCCURRED AT ALL WHICH IS WHY THEY SOUGHT TO DISMISS THE CASE TO PREVENT THE GRAND JURY PANEL DOCUMENTS FROM ENTERING THE CASE BY DISCOVERY. THIS WAS DONE IN THE APPELLANT'S CASE VIOLATING DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION.

(7) EXHIBIT, "180 DAY RULE/ 365 DAY CLAIM PROCESSING

RULE". THIS IS THE LITIGATION SUBMITTED IN SUPPORT OF THE CLAIMS OF DEFAULT, FORFEITURE AND WAIVER BASED UPON THE CLAIM PROCESSING RULE WHOSE RIGHTS WERE TIMELY INVOKED WITHIN THE KERSHAW COUNTY GENERAL SESSIONS COURT AT THE ONE YEAR MARK OF THE DNA APPLICATION BEING FILED BEFORE THE COURT. CASE LAW COMING OUT OF THE 4TH. CIRCUIT AND U.S. SUPREME COURT ADJUDICATE THAT THE RIGHT WAS MANDATORY WHEN TIMELY INVOKED, WHERE THIS PROVISION IS ALSO ATTACHED TO THE S.C. CONSTITUTION UNDER ARTICLE 1 § 23 WHICH ALSO VOIDS THE LOWER COURT'S JUDGMENT FOR THIS VIOLATION OF DUE PROCESS PRODUCING UNCONSTITUTIONAL ACTION.

(8) EXHIBIT, "INDICTMENT DEFECTS". THIS IS A COPY OF THE LITIGATION SUBMITTED TO ARGUE THE FATAL DEFECTS IN THE APPELLANT'S INDICTMENT WHICH FAILED TO PLACE THE PROPER ELEMENTS OF "TIME AND PLACE" HAVING THESE ELEMENTS PASSED UPON BY THE GRAND JURY IN ACCORDANCE TO THE DUE PROCESS RIGHTS OF THE ACCUSED. SOME OF THE ELEMENTS ARGUED IN THE EXHIBIT SLIGHTLY DIFFER FROM THE APPELLANT. BUT THE SUBSIDIARY FACTS RELATED TO DUE PROCESS VIOLATION BASED UPON FATALLY DEFECTIVE INDICTMENTS APPLY TO THE APPELLANT'S CASE. THE INDICTMENT CLAIMS SHE DIED ON THE 25TH. IN KERSHAW COUNTY WHEN SHE DIED ON THE 26TH. IN RICHLAND COUNTY AND THE APPELLANT PRESERVED THIS CLAIM AT TRIAL WHERE DISMISSAL OF THE CONVICTION WAS SOUGHT DUE TO THE STATE FAILING TO PROVE THE ELEMENTS OF THE OFFENSE. THIS WAS DONE AT THE APPELLANT'S CASE VIOLATING DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION.

(9) EXHIBIT, "CONSTRUCTIVE AMENDMENT OF THE INDICTMENT". THIS IS THE LITIGATION SUBMITTED TO ARGUE THE CRIMINAL COURT CONSTRUCTIVELY AMENDING THE INDICTMENT ON THE ESSENTIAL ELEMENTS OF THE OFFENSE. THIS WAS DONE IN THE APPELLANT'S CASE IN VIOLATION OF DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION.

(10) EXHIBIT, "GENTRY FRAUD". THIS IS A COPY OF THE LITIGATION SUBMITTED AT ARGUE AGAINST THE PRECEDENT RELATED TO THE ISSUE OF SUBJECT MATTER JURISDICTION EMERGING FROM THE SOUTH CAROLINA SUPREME COURT. SUBJECT MATTER JURISDICTION CANNOT BE

WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN IF A FINAL JUDGMENT WAS ISSUED IN THE CASE, EVEN FOR THE FIRST TIME ON APPEAL. ALL JURISDICTIONAL ISSUES WERE RULED ON AND DENIED BY THE KERSHAW GENERAL SESSIONS COURT PRESERVING THE ISSUES FOR APPEAL. THIS INJUSTICE EFFECTED MY DIRECT APPEAL IN 2004 WHICH SHOULD HAVE BEEN VACATED FOR THE UNCONSTITUTIONAL ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION.

(11) EXHIBIT, "STATEMENT FRAUD". THIS IS THE LITIGATION SUBMITTED TO ARGUE AGAINST THE PRECEDENT WHERE THE STATE OF SOUTH CAROLINA IN VIOLATION OF DUE PROCESS LAW AND IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE, SUBTLY EXPAND AND OR FORCED CONSTRUCT THE STATUTES OF S.C. CODE ANN. §§ 19-1-80 AND 19-1-90 ESSENTIALLY OUT OF EXISTENCE. THIS IS ALSO A JURISDICTIONAL CLAIM. BASED UPON NEW CASE LAW COMING OUT OF THE S.C. SUPREME COURT, THE 4TH. CIRCUIT COURT OF APPEALS AND THE UNITED STATES SUPREME COURT, THE APPELLANT IS ARGUING AGAINST THE PRECEDENT OF ANY EXISTING S.C. CASE THAT IS AT ISSUE HERE WHERE THOSE COURTS SUBTLY EXPANDED AND OR FORCED CONSTRUCTED THE LANGUAGE OF THE STATUTE IN VIOLATION OF THE PLAIN LANGUAGE RULE AND IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE. THIS WAS DONE IN THE APPELLANT'S CASE BY MAKING USE OF A FRAUD PRODUCED STATEMENT THE SOLICITOR STATED WAS MADE BY THE APPELLANT WHEN NO SUCH THING OCCURRED AND THE STATEMENT WAS NOT EVEN SIGNED BY THE APPELLANT, OR WAS HE GIVEN A COPY OF IT AT THE TIME IT WAS ALLEGEDLY MADE TO HIS EXTREME PREJUDICE AS ALL THE AFOREMENTIONED ACTS PRODUCED DO AS WELL. THIS WAS DONE AT THE APPELLANT'S TRIAL IN VIOLATION OF DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION.

EXHIBIT, "CRAWFORD NO. 1".

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CASE DOCKET NO. 2025-000812

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

CASE NO. 2004-GS-28-00385

YAH DINA OVERSTREET-U-DEEN, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL
JAHJAH T. TISHBITE,

APPELLANT(S)

Vs.

THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW ET. AL.,

RESPONDENT(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION
TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S
RESPONSE; MOTION TO STRIKE THE RESPONSE DUE TO IT BEING
UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE
RESPONDENT FAILED TO ESTABLISH CAUSE OR EXCUSE FOR THE
DELAY AND MOTION TO MOTION THEREFOR

TO: THE SOUTH CAROLINA SUPREME COURT ET. AL.,

THE PETITIONER RECEIVED THE RESPONDENT'S RESPONSE ON JULY 3, 2025 MAKING THIS RESPONSE IN OPPOSITION TO THE DOCUMENT TIMELY BEING PLACE WITH THE INSTITUTION AUTHORITIES ON JULY 8, 2025. THE PETITIONER FILES THE FOLLOWING OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE DATED FILED JUNE 27, 2025.

FIRST THE PETITIONER OBJECTS TO THIS RESPONSE BEING ACCEPTED INTO THE COURT RECORD BECAUSE THE RESPONSE IS UNTIMELY WHERE THE PETITIONER HAS PREVIOUSLY FILED A DOCUMENT ENTITLED, "MOTION TO RENEW THE MOTION FOR DEFAULT, FORFEITURE AND WAIVER", [17] PAGES DATED JUNE 9, 2025. THE RESPONDENT'S RESPONSE WAS NOT FILED UNTIL JUNE 27, 2025 WELL AFTER THE MOTION FOR DEFAULT, FORFEITURE AND WAIVER WAS FILED WITHIN THE S.C. SUPREME COURT RECORD. THERE IS NOTHING IN THIS LATE RESPONSE THAT ADDRESSES THE MOTION OR OBJECTS TO THE MOTION PLACED IN OPPOSITION OR CHALLENGES THE CLAIMS AND PROTECTIONS ASSERTED WITHIN THE [17] PAGE DOCUMENT DATED JUNE 9, 2025. THE PETITIONER OBJECTS AND RESPECTFULLY DEMAND THAT THE RESPONDENT BE REQUIRED TO ADDRESS THE [17] PAGE DOCUMENT DATED JUNE 9, 2025 SPECIFICALLY OR WAIVE AND FORFEIT. UNDER SOUTH CAROLINA SUPREME COURT RULES, IF A PARTY AGAINST WHOM AFFIRMATIVE RELIEF IS SOUGHT FAILS TO "TIMELY" (EMPHASIS ADDED) RESPOND TO THE PLEADING OR OTHERWISE DEFEND AS PROVIDED BY THE RULES, THE CLERK CAN ENTER THEIR DEFAULT UPON THE CALENDAR. RULE 55(a) OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE STATES THAT WHEN A PARTY FAILS TO TIMELY PLEAD OR OTHERWISE DEFEND, AND THAT FACT IS MADE TO APPEAR BY AFFIDAVIT OR OTHERWISE (THE [17] PAGE DOCUMENT DATED JUNE 9, 2025), THE CLERK SHALL ENTER HIS DEFAULT. ONCE THE MOTION FOR DEFAULT WAS TIMELY AND PROPERLY MADE BEFORE THE S.C. SUPREME COURT. THE RESPONDENT WAS REQUIRED TO SHOW "GOOD CAUSE" FOR THE DELAY AND SPECIFICALLY CHALLENGE THE MOTION FOR DEFAULT PREVIOUSLY FILED WHICH HIS RECENT PLEADING FAILS TO DO. THE PETITIONER OBJECTS, IN RE: TONEY, 396 S.C. 303, 721 S.E.2d. 437 (S.C.App.2012). ALL CLAIMS, DEFENSES AND MOTIONS ASSERTED WITHIN THE [17] PAGE DOCUMENT DATED JUNE 9, 2025 ARE RENEWED BEFORE THE SUPREME COURT IN OPPOSITION OF THE RESPONDENT'S RESPONSE FILED JUNE 27, 2025. THIS DO NOT TAKE INTO ACCOUNT THAT THE STATUTE ITSELF REQUIRED THAT THE

RESPONDENT RESPOND WITHIN (90) DAYS OF THE APPLICATION'S FILING WITHIN THE LOWER COURT BUT FAILED TO DO SO FOR OVER [4] YEARS IN UNCONSTITUTIONAL ACTION REQUIRING THE PLEADING TO BE STRICKEN WHICH THE PETITIONER MOTIONS FOR. THEY HAD (90) DAYS TO RESPOND BY THE STATUTE. IF THIS WOULD HAVE BEEN THE PETITIONER, THE COURT WOULD HAVE TIME BARRED THE APPELLANT. THE ACTION VIOLATES THE EQUAL PROTECTION OF THE LAWS CLAUSE, MARSHALL v. CITY OF ROCK HILL, S.E.2d., 2015 WL 3884258(S.C.App.2015). THE RESPONDENT NEVER MOTIONED FOR AN EXTENSION OF TIME. THERE IS NOTHING IN HIS RESPONSE THAT SPECIFICALLY CHALLENGE THE MOTION FOR DEFAULT. HE BY HIS CURRENT PLEADING DID NOT MOVE TO SET ASIDE THE DEFAULT OR SHOW "GOOD CAUSE" FOR THE [4] YEAR DELAY IN VIOLATION OF THE APPLICABLE STATUTE AND CLAIM PROCESSING RULE RELIED UPON WITHIN THE GENERAL SESSIONS COURT, HODGES v. STATE FARM MUT. AUTO INS. CO., 488 F.Supp. 1057(DSC.1980); STANDARD SEWING MACH. CO. v. HENRY, 43 S.C. 17; WHITE OAK MANOR, INC. v. LEXINGTON INS. CO., 407 S.C. 1, 753 S.E.2d. 537 (S.C.App.2014); PYATT v. BYARS, F.Supp.2d., 2012 WL 7997262(DSC.2012); KUNST v. CORR., 404 S.C. 649, 746 S.E.2d. 360(S.C.App.2013).

ONCE THE ALLEGATION OF DEFAULT WAS MADE AND THE PETITIONER PRODUCED A PRIMA FACIE SHOWING OF THE DEFAULT. THE RESPONDENT WAS REQUIRED TO SPECIFICALLY RESPOND TO THE CLAIM OF THE DEFAULT AND THE COURT CANNOT IN FUNDAMENTAL FAIRNESS TO THE APPELLANT ALLOW THE RESPONDENT TO CIRCUMVENT AND AVOID THIS DUE PROCESS REQUIREMENT. THE DEFENDANT BY HIS RECENT PLEADING NEVER ADDRESSED OR DISPOSED OF THE QUESTION OF DEFAULT AND FORFEITURE THAT OCCURRED WITHIN THE LOWER COURT OR THIS COURT, WALKER v. BROOKS, 403 S.C. 212, 742 S.E.2d. 869(S.C.App.2013); LEDFORD v. U.S., F.Supp.2d., 2006 WL 2946187(DSC.2006); STATE v. BROCKMEYER, 406 S.C. 324, 751 S.E.2d. 645(S.C.App.2013); TAYLOR v. TAYLOR, S.E.2d., 2013 WL 8541474; IN RE: BRUNTY, 411 S.C. 434, 769 S.E.2d. 426(S.C.App.2015).

S.C. CODE ANN. § 17-28-50(A) PROVIDE:

"THE CLERK "SHALL" (MANDATORY) FILE THE APPLICATION UPON ITS RECEIPT AND PROMPTLY BRING IT TO THE ATTENTION OF THE COURT AND DELIVER FOR DOCKETING A COPY TO THE SOLICITOR OF THE CIRCUIT IN WHICH THE APPLICANT WAS CONVICTED OR ADJUDICATED. THE ATTORNEY GENERAL AND THE APPROPRIATE CUSTODIAN OF EVIDENCE SHALL BE NOTIFIED BY THE SOLICITOR. THE VICTIM SHALL BE NOTIFIED PURSUANT TO THE PROVISIONS OF ARTICLE 15, CHAPTER 16".

S.C. CODE ANN. § 17-28-50(B) PROVIDE:

"WITHIN NINETY DAYS AFTER THE FORWARDING OF THE APPLICATION, OR UPON ANY FURTHER TIME THE COURT MAY FIX (THE LOWER COURT WAS REQUIRED TO FIX THIS TIME, NOT THE S.C. SUPREME COURT), THE SOLICITOR WITHIN THE CIRCUIT IN WHICH THE APPLICANT WAS CONVICTED OR ADJUDICATED, OR THE ATTORNEY GENERAL IF THE ATTORNEY GENERAL PROSECUTED THE CASE, "SHALL" (MANDATORY) "RESPOND" TO THE APPLICATION. WITHIN NINETY DAYS AFTER THE DOCKETING OF THE APPLICATION, OR WITHIN ANY TIME THE COURT MAY FIX (THE GENERAL SESSIONS COURT, NOT THE S.C. SUPREME COURT), THE VICTIM MAY RESPOND AS PROVIDED IN ARTICLE 15, CHAPTER 3, TITLE 16 (THERE IS NOTHING IN THE RESPONSE THAT INDICATES ANY ALLEGED VICTIM HAS BEEN NOTIFIED IN VIOLATION OF THE STATUTE ESTABLISHING INADEQUATE RESPONSE). THE COURT MAY PROCEED WITH A HEARING IF THE SOLICITOR OR ATTORNEY GENERAL, AS APPLICABLE, OR THE VICTIM DOES NOT RESPOND TO THE APPLICATION".

S.C. CODE ANN. § 17-28-50(C) PROVIDE:

"AT ANY TIME PRIOR TO ENTRY OF JUDGMENT THE COURT MAY, WHEN APPROPRIATE, ISSUE ORDERS FOR AMENDMENT OF THE APPLICATION (SUCH AS ADDING THE JURISDICTIONAL ISSUES THAT CANNOT BE WAIVED AND OR FORFEITED BY THE APPLICANT THAT ARE FILED WITHIN THE LOWER COURT), AND FOR ANY DOCUMENTS RELATED TO THE APPLICATION INCLUDING, BUT NOT LIMITED TO, PLEADINGS, MOTIONS AND REQUESTS FOR EXTENSION OF TIME. IN CONSIDERING THE APPLICATION "AND" (EMPHASIS ADDED) RELATED DOCUMENTS, THE COURT (THE GENERAL SESSIONS COURT) "SHALL" (MANDATORY) TAKE ACCOUNT OF THE

SUBSTANCE, REGARDLESS OF DEFECT OR FORM. WHEN THE COURT IS SATISFIED, ON THE BASIS OF THE APPLICATION, THE RESPONSES, OR THE MOTION OF THE SOLICITOR OR ATTORNEY GENERAL, AS APPLICABLE, THAT THE APPLICANT IS NOT ENTITLED TO DNA TESTING AND NO PURPOSE WOULD BE SERVED BY ANY FURTHER PROCEEDING, IT MAY IMPLICATE TO THE APPLICANT AND THE SOLICITOR OR ATTORNEY GENERAL, AS APPLICABLE, ITS INTENTION TO SUMMARILY DISMISS THE APPLICATION AND ITS REASONS FOR DOING SO (DEMONSTRATING THAT THE LOWER COURT, NOT THE S.C. SUPREME COURT WAS REQUIRED TO BE IN COMPLIANCE TO THESE CLEAR MANDATES OF THE RELIED UPON STATUTE AS DUE PROCESS LAW REQUIRED). THE VICTIM SHALL BE NOTIFIED OF THE PROPOSED DISMISSAL PURSUANT TO THE PROVISIONS OF ARTICLE 15, CHAPTER 3, TITLE 16. THE COURT (GENERAL SESSIONS COURT) "SHALL" (MANDATORY) MAKE SPECIFIC FINDINGS OF FACT AND EXPRESSLY STATE ITS CONCLUSIONS OF LAW. THE APPLICANT "SHALL" BE GIVEN OPPORTUNITY TO REPLY TO THE PROPOSED DISMISSAL. IN LIGHT OF THE REPLY, OR ON DEFAULT THEREOF (GIVING CLEAR INDICATION THAT A DEFAULT ELEMENT EXIST WITHIN THESE PROCEEDINGS ON EITHER SIDE), THE COURT MAY ORDER THE APPLICATION DISMISSED (OR IN THIS CASE DISMISS THE CAUSE OF THE CONVICTION DUE TO THE FAILURE OF THEIR FIDUCIARY DUTY TO SPEAK WITHIN THE (90) DAYS THAT WAS REQUIRED BY THE STATUTE AND YEARLY CLAIM PROCESSING RULE), GRANT LEAVE TO FILE AN AMENDED APPLICATION (THE NAME CHANGE IS ALSO SOUGHT BY THE S.C. SUPREME COURT COLLABORATING WITH THE FAMILY COURT TO DO SO WHO WAS GIVEN NOTICE VIA THE KERSHAW CLERK OF COURT), OR DIRECT THAT THE PROCEEDINGS OTHERWISE CONTINUE". ONCE THE PROCEEDINGS WENT BEYOND THE [4] YEARS THAT THE U.S. SUPREME COURT DETERMINED UNDER BETTERMAN v. MONTANA, 578 U.S. 437, 136 S.Ct. 1609, 194 L.Ed.2d. 723(U.S.2016) DETERMINED THAT THE APPLICANT WOULD HAVE TAILORED RELIEF UNDER THE 5TH. AND 14TH. AMENDMENT(S), AND THAT HOLDING ANY POST CONVICTION PROCEEDING CHALLENGING CONVICTION FOR [4] YEARS WOULD THEN MAKE SUCH PROCEEDINGS, INCLUDING THE COURT'S ABILITY TO CONTINUE THE CASE OR ACCEPT THIS UNCONSTITUTIONALLY LATE RESPONSE, WHERE IN THIS CASE WE ARE DEALING WITH THE CONCEALING OF EVIDENCE OF ACTUAL INNOCENCE WHERE BY THE RESPONDENT'S VERY OWN STATEMENT HE ADMITS THAT THE PATHOLOGIST, DR. JOEL SEXTON, CLAIMED THAT THE PETITIONER'S DAUGHTER WAS NOT PREGNANT. THE DNA TESTING IS RELEVANT WHERE IT GOES TOWARDS

ESTABLISHING THE TRUTH OF THIS VERY STATEMENT ENTERED AT TRIAL. THERE IS NOTHING WITHIN THE AUTOPSY THAT EXPLAINS WHY THIS CHILD WHO WAS SUBJECT TO MONTHLY PERIODS WAS MISSING HER PERIOD FOR OVER (3) MONTHS AFTER BEING SEXUALLY INVOLVED WITH HER HALF BROTHER. THERE IS NOTHING IN THE AUTOPSY THAT EXPLAINS WHY THIS CHILD MYSTERIOUSLY LOST ABOUT 30 LBS. SEEMINGLY OVERNIGHT JUST TWO WEEKS BEFORE HER DEATH. THERE IS NOTHING WITHIN THE AUTOPSY THAT EXPLAINS WHY THIS CHILD'S BLOOD SUGAR LEVELS WERE DOWN FROM 70 dm/ml TO 17 dm/ml WHEN IF A PERSON'S BLOOD SUGAR LEVEL DROPS TO 40 dm/ml, IT CAN KILL YOU. THERE IS NOTHING WITHIN THE AUTOPSY THAT EXPLAINS WHY THE CORONOR WENT OUT OF HIS WAY TO SPECIFICALLY, SEVERAL TIMES, SEVERAL TIMES, ASK THE APPLICANT AND HIS WIFE DID KORRESHA HAVE DIABETES AND LOOKED AS US AS THOUGH WE WERE LYING WHEN WE TOLD HIM NO. THE APPLICANT'S CLAIM OF PREGNANCY AND GESTATIONAL DIABETES WOULD EXPLAIN ALL OF THIS. THERE IS NOTHING TO EXPLAIN WHY, THAT ONCE THE STATE MADE SPECIFIC AND AFFIRMATIVE EFFORTS TO TAKE DNA SAMPLES FROM THE APPLICANT'S MINOR CHILD, KNOWING THAT SHE WAS SEXUALLY INVOLVED WITH HER HALF BROTHER, BEING A VICTIM OF A CLASS "A" FELONY PERPETRATED BY HER HALF BROTHER, BUT FAILED TO SEND TO THE SLED DNA ANALYST THE STANDARD FROM MICHAEL LEE, EVEN AFTER THE ANALYST NOTIFIED THE STATE THAT THEY WERE WAITING FOR THE SAMPLE STANDARD FROM MICHAEL LEE WHEN SOUTH CAROLINA LAW CLEARLY REQUIRED THAT IT BE TESTED WHEN GIVEN NOTICE OF A CRIME OF CRIMINAL SEXUAL ASSAULT (CSC) PERPETRATED BY MICHAEL LEE AGAINST THE APPELLANT'S MINOR CHILD. THE SOLICITOR BY HIS RESPONSE AFFIRMED THAT THE PATHOLOGIST SAID THAT SHE WAS NOT PREGNANT? THIS OPENED THE DOOR FOR THE TESTING OF THE DNA PURSUANT TO HIS RESPONSE, LATE AS IT IS, AND RULE 56 FOR THE STATE TO PRODUCE THE DNA TESTING TO ESTABLISH THE TRUTH OF THE APPELLANT'S CLAIM THAT THE PATHOLOGIST LIED AND GAVE PERJURED TESTIMONY UNDER OATH, CONSPIRING UNDER COLOR OF STATE LAW WITH THE 5TH. CIRCUIT SOLICITOR'S OFFICE, TO ESSENTIALLY TAINT AND OR PLANT EVIDENCE BEHIND RELIGIOUS AND RACIAL HATRED. THIS IS NOT SOME ATTEMPT AT A FISHING EXPEDITION OR ATTEMPT OF THE APPELLANT TO ESTABLISH A PATERNITY TEST. THE RESPONDENT OPENED THE DOOR BY HIS RESPONSE. THE PETITIONER OBJECTS TO THIS POSITION. IT IS AN GENUINE EFFORT TO PROVE ONCE AND FOR ALL WHETHER OR NOT THE PATHOLOGIST PERJURED HIMSELF UNDER

OATH SUPPRESSING THE TRUE CAUSE OF DEATH WHICH WOULD DESTROY THE CORPUS DELECTI NECESSARY TO ESTABLISH THE OFFENSE OF MURDER. THE STATUTE DOES NOT MERELY ALLOW FOR THE TESTING OF THE PETITIONER'S DNA ALONE. IT ALLOWS FOR THE TESTING OF "ANY" DNA THAT WAS IN THE HANDS OF THE STATE RELATED TO THE CASE THAT IS RELEVANT TO THE PETITIONER'S GUILT OR INNOCENCE WHICH SHORT OF EXHUMING THE BODY THE TESTING OF THOSE DNA SAMPLES TO MICHAEL LEE WOULD PROVE ESTABLISHING CAUSE UNDER THE STATUTE FOR THE TESTING, THE PEOPLE OF THE STATE OF CALIFORNIA CITY OF SACRAMENTO v. JOSEPH JAMES DeANGELO, UNDER 18FE00817(THE GOLDEN STATE KILLER OF 2018 WHERE THIRD PARTY ANCESTRY DNA WAS TESTED TO DEFENDANT TO ESTABLISH THE CONVICTION); STATE OF IDAHO v. BRYAN C. KOHBERGER, CRO1-24-31665 INDICTMENT NUMBER (WHERE THIRD PARTY ANCESTRY DNA WAS TESTED TO FIND CRIMINAL); 23 AND ME, INC. v. ANCESTRY.COM DNA, 2018 WL 4813116(N.D.Cal.2018); STATE v. ROWLAND, 444 S.C. 84, 905 S.E.2d. 825(S.C.App.2025); STATE v. RAMSEY, 345 S.C. 607, 550 S.E.2d. 294 (S.C.App.2001); STATE v. PHILLIPS, 430 S.C. 319, 844 S.E.2d. 651(S.C.App.2020)(DNA IN THE POSSESSION OF THE STATE CAN BE OBTAINED IF IT IS RELEVANT); MOSES v. STATE, 442 S.C. 263, 898 S.E.2d. 174(S.C.App.2024); DISTRICT ATTORNEY'S OFFICE FOR THIRD JUDICIAL DISTRICT v. OSBOURNE, 129 S.Ct. 2308(U.S.2009)(ANY DNA IN THE POSSESSION OF THE STATE THAT IS RELEVANT TO GUILT OR INNOCENCE CAN BE OBTAINED AND TESTED); GUTIERREZ v. SAENZ, 606 U.S.--S.Ct.--, 2025 WL 1758506(U.S.2025)(DNA THAT IS RELEVANT AND IN THE POSSESSION OF THE STATE CAN BE OBTAINED AND TESTED); MACK v. STATE, 433 S.C. 267, 858 S.E.2d. 160(S.C.App.2021).

THE SUPPRESSION BY THE PROSECUTION OF EVIDENCE FAVORABLE TO AN ACCUSED UPON REQUEST VIOLATES DUE PROCESS WHERE THE EVIDENCE IS MATERIAL TO EITHER GUILT OR TO PUNISHMENT, IRRESPECTIVE OF GOOD FAITH OR BAD FAITH OF THE PROSECUTION, WEARRY v. CAIN, 577 U.S. 386, 136 S.Ct. 1002, 194 L.Ed.2d. 78(U.S.2016); WILLIAMS v. WILLIAMS, 232 F.Supp.3d. 1318 (S.D.Ga.2017); JOHNSON v. BALTIMORE POLICE DEPT., 2022 WL 9976525 (D.Md.2022); STATE v. BROWN, 441 S.C. 464, 894 S.E.2d. 525 (S.C.App.2023); HOWARD v. CITY OF DURHAM, 68 F.4TH. 934

(4th.Cir.2023)(GENUINE DISPUTE OF MATERIAL FACT EXISTS AS TO OTHER POTENTIAL PERPETRATOR CAUSED DEATH [MICHAEL'S SEXUAL ASSAULT OF HER IS WHAT KILLED HER AND THEY LIED ABOUT IT UNDER OATH SUPPRESSING THE TRUE CAUSE OF DEATH] INCULPATING OTHER POTENTIAL PERPETRATOR IS RELEVANT AND MEETS THE STANDARD FOR DNA TESTING ESPECIALLY SINCE THE RESPONDENT OPENED THE DOOR BY BRINGING IN THE PATHOLOGIST SAID PERJURED TESTIMONY). FOR PURPOSE OF THE STATUTE, "BIOLOGICAL MATERIAL" MEANS "ANY", "ANY" (EMPHASIS ADDED) BLOOD, TISSUE, HAIR, SALIVA, BONE OR SEMEN FROM WHICH DNA MARKER GROUPING MAY BE OBTAINED. THIS INCLUDES MATERIAL CATALOGUED SEPARATELY ON SLIDES, SWABS, OR TEST TUBES OR PRESENT ON OTHER EVIDENCE INCLUDING, BUT NOT LIMITED TO (EMPHASIS ADDED), CLOTHING, LIGATURES, BEDDING, OTHER HOUSEHOLD MATERIALS, DRINKING CUPS, OR CIGARETTES. "DNA SAMPLE" MEANS THE TISSUE, SALIVA, BLOOD, OR ANY OTHER BODILY FLUID (SUCH AS TAKEN FROM THE PETITIONER'S MINOR CHILD) TAKEN AT THE TIME OF ARREST (AS IN THE INCIDENT BEFORE US) FROM WHICH IDENTIFIABLE INFORMATION CAN BE OBTAINED.

"LAW ENFORCEMENT AGENCY" MEANS A LAWFULLY ESTABLISHED FEDERAL, STATE, OR LOCAL PUBLIC AGENCY THAT IS REASONABLE FOR THE PREVENTION AND DETENTION OF CRIME AND THE ENFORCEMENT OF PENAL, TRAFFIC, REGULATORY, GAME, IMMIGRATION, POSTAL, CUSTOMS, OR CONTROLLED SUBSTANCE LAWS. "PHYSICAL EVIDENCE" (ie. DNA SAMPLES, SLED INVESTIGATIVE FILE 5501014, THE GRAND JURY PANEL DOCUMENTS), MEANS AN OBJECT, THING, OR SUBSTANCE THAT IS OR ABOUT TO BE PRODUCED OR USED OR HAS BEEN PRODUCED OR USED IN A CRIMINAL PROCEEDING RELATED TO AN OFFENSE ENUMERATED IN SECTION 17-28-30, AND THAT IS IN THE POSSESSION OF THE CUSTODIAN OF EVIDENCE OR THE STATE GOVERNMENT IN THIS INSTANCE. S.C. CODE ANN. § 16-3-10 IS ENUMERATED UNDER 17-28-30 REQUIRING THE SAMPLES BE TESTED TO MICHAEL LEE TO ESTABLISH THE JURISDICTIONAL FACTS AND PERJURED TESTIMONY OF THE PATHOLOGIST, BY THE STATUTE AND BY THE PETITIONER'S RIGHTS OF DUE PROCESS. S.C. CODE ANN. § 17-28-30 PROVIDE FOR "ANY", "ANY", PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL, WHETHER ITS THE PETITIONER'S OR MICHAEL LEE'S, TO BE TESTED IF IT IS MATERIAL, RELEVANT AND RELATED TO THE PETITIONER'S CONVICTION OR ADJUDICATION WHICH OF COURSE, IN THIS

CASE, THE DNA IN QUESTION IS MATERIAL AS TO WHETHER THE PATHOLOGIST PERJURED HIMSELF UNDER OATH AS TO EXACTLY WHAT KILLED THE PETITIONER'S MINOR CHILD. A REVERSIBLE CONVICTION IS REVERSIBLE REGARDLESS OF THE REASON, SUCH AS IN THIS CASE, SUPPRESSION OF EVIDENCE OF ACTUAL INNOCENCE, FRAUD PROCURED INDICTMENTS THAT NEVER WENT TO THE GRAND JURY, PERJURED TESTIMONY TAKEN FROM WITNESSES INVOLVED STATING THAT SHE WAS DISCIPLINED OVER A \$5 TELESCOPE AS OPPOSED TO HER SEXUAL INVOLVEMENT WITH HER HALF BROTHER, DUE PROCESS VIOLATIONS, THE SUBJECT MATTER JURISDICTION CHALLENGES THE RESPONDENT FAILED TO ADDRESS, VIOLATIONS OF THE APPLICABLE STATUTES FOR DNA TESTING AND TIMELY (90) DAY RESPONSE AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW, AND WE CAN ADD TO THIS, AN UNCONSTITUTIONAL TRIAL AND OR DNA APPLICATION PROCEEDING, IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE TO CONTINUE THE CONVICTION AND OR IMPRISONMENT. ALL RULES, STATUTES, LAWS, PRACTICES WHICH ARE REPUGNANT TO THE SOUTH CAROLINA AND U.S. CONSTITUTIONS ARE "NULL" AND "VOID" WHICH WOULD INCLUDE ANY CONVICTION RELATED THERETO, UNITED STATES v. LIBOUS, 858 F.3d. 63 (2nd.Cir.2017); CITY OF LEBANON v. MILBURN, Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., ILL. APP. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cal.2017); UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018); BETTERMAN v. MONTANA SUPRA.; MARTIN v. UNITED STATES, 2018 WL 1626578, * 2 D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 28 F.3d. 1123 CRIM. LAW 1163(1), 1165(1); ROBINSON v. ARVONIO, 27 F.3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES, --S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4064(U.S.2016); GEFT OUTDOORS, LLC. v. CONSOLIDATION CITY OF INDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012 S.D.ILL.; HILL v. SNYDER, 821 F.3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423(2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F.3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES,

F.Supp.3d., 2016 WL 775386(D.C.Md.2016). THE PETITIONER ALSO GIVES THE S.C. SUPREME COURT AND PARTIES JUDICIAL NOTICE THAT NOT ONLY IS THE RESPONDENT IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE WHERE THE LEGISLATURE REQUIRED THE RESPONSE WITHIN (90) DAYS OF THE APPLICATION'S FILING GOING AGAINST THE LEGISLATIVE INTENT. THEY ARE ALSO IN VIOLATION OF THE "CLAIM AND OR PROCEDURAL PROCESSING RULE" THAT REQUIRED THAT THE LOWER COURT CONCLUDE THE PETITIONER'S DUE PROCESS MATTERS BEFORE THAT COURT OR THEY MUST PLACE A "[W]RITTEN" (EMPHASIS ADDED) ORDER OF CONTINUANCE WITHIN THE PROCEEDINGS EXPLAINING WHY THE CASE MUST BE PERMITTED TO PROCEED BEYOND THE (365) DAY TIME FRAME ESTABLISHED BY THE "PROCESSING RULE". A MOTION FOR DEFAULT, FORFEITURE AND WAIVER WAS TIMELY AND PROPERLY FILED THE KERSHAW COUNTY COURT OF GENERAL SESSIONS AT THE ONE YEAR MARK WHICH WAS NEVER TIMELY CHALLENGED BY THE STATE AND 5TH. CIRCUIT SOLICITOR'S OFFICE. THE COURT ADJUDICATED UNDER UNITED STATES v. WHEELER, 886 F.3d. 415(4th.Cir.2018) AND FORT BEND COUNTY, TEXAS v. DAVIS, 139 S.Ct. 1843(U.S.2019) THAT IF A "PROCEDURAL OR CLAIM PROCESSING RULE" IS TIMELY INVOKED, WHICH IT WAS AT THE ONE YEAR MARK, IT IS MANDATORY AND NOT WAIVED. THEREFORE, FOR THIS REASON ALSO, THE MOTION FOR DEFAULT, FORFEITURE AND WAIVER MUST STAND AND THIS RESPONSE IN FUNDAMENTAL FAIRNESS MUST BE DEEMED PROCEDURALLY BARRED, STRICKEN FROM THE RECORD BEING A VIOLATION OF ESTABLISHED DUE PROCESS RIGHTS PRODUCING UNCONSTITUTIONAL ACTION AND WHERE THE LOWER COURT BY THESE INJUSTICES ARE DEPRIVED OF ANY FURTHER POWER TO DECLARE LAW OTHER THAN TO ACKNOWLEDGE THESE FACTS AND DISMISS THE CAUSE OF CONVICTION AGAINST THE DEFENDANT-APPELLANT WHICH IS SOUGHT. THEY CAN NO LONGER BE PERMITTED TO DECLARE LAW, TAMM v. CINCINNATI INS. COMPANY, 2020 WL 60932 (S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 4888629, * 1, W.D.Tex.; STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANTS, 2020 WL 134168 (Fed.Cl.2020); BURGESS v. UNITED STATES, 2019 WL 7293400 * 1 D.Md..

IN LIGHT OF THE FACT THAT THERE IS A MOTION FOR DEFAULT, FORFEITURE AND WAIVER FILED BEFORE THE LOWER COURT AT THE ONE

YEAR MARK AND FILED BEFORE THE S.C. SUPREME COURT BASED UPON TIMELINES TO RESPOND PURSUANT TO THE DNA STATUTE AND THERE IS NOTHING IN THE RESPONSE THAT ADDRESSES THESE FACTS INCLUDING THE SUPPRESSION OF EVIDENCE, THE FRAUD PROCURED INDICTMENT OR OTHER JURISDICTIONAL CLAIMS FILED WITHIN THE SEEKING OF DNA APPLICATION CASE BELOW, THE RESPONSE BY THE RESPONDENT IN FUNDAMENTAL FAIRNESS TO THE APPELLANT MUST BE DEEMED INADEQUATE WHERE THERE IS NOTHING THAT EXPLAINS WHY IT TOOK THEM OVER [4] YEARS TO MAKE ANY RESPONSE AT ALL. IF THE SOUTH CAROLINA SUPREME COURT INSTRUCTS THE RESPONDENT TO RESPOND, WHICH IT DID, AND THE STATE'S RESPONSE IS NOT ONLY INADEQUATE IN ADDRESSING ALL THE CLAIMS PRESENTED, CONSPIRING UNDER COLOR OF STATE LAW TO HINDER THE APPEAL AND PREVENT A FULL AND MEANINGFUL APPEAL AND OBSTRUCT JUSTICE SANCTIONS ARE REQUIRED WHICH THE APPELLANT MOTIONS FOR AND SEEK TO STRIKE THE PLEADING FOR BEING INADEQUATE. THE PETITIONER MOTIONS FOR A MORE ADEQUATE RESPONSE THAT ADDRESSES ALL THE CLAIMS THAT ARE PRESENTED. AS INADEQUATE RESPONSE AS DONE HERE CIRCUMVENTING ADDRESSING KEY PORTIONS OF THE CLAIMS MUST BE SEEN AS A CONCESSION OR ADMISSION TO THE APPELLANT'S CLAIMS WHICH CLEARLY WOULD WEAKEN THE STATE'S POSITION IN THIS APPEAL. THE RESPONSE LACKS MERIT WHERE THE PLAIN LANGUAGE OF THE STATUTE UNDER S.C. CODE ANN. § 17-28-30(A) IN RELEVANT PART STATES: "DNA TESTING IS ALLOWED FOR HIS DNA TO BE TESTED AND "ANY", "ANY", (EMPHASIS ADDED) BIOLOGICAL SAMPLES THAT ARE RELEVANT ANY PHYSICAL EVIDENCE (SLED INVESTIGATIVE FILE AND GRAND JURY PANEL DOCUMENTS) OR "BIOLOGICAL MATERIAL (MICHAEL LEE'S DNA SAMPLES TESTED TO THE MINOR CHILD) RELATED TO HIS CONVICTION OR ADJUDICATION". THE PLAIN LANGUAGE RULE OF THE STATUTE ATTACHES AND THE RESPONDENT'S RESPONSE IS INADEQUATE AND NOT SUPPORTED BY THE STATUTE. INADEQUATE RESPONSE IF DEEMED WILLFUL MUST BE VIEWED AS AN ACT OF CONTEMPT OR DEFIANCE FURTHER JUSTIFYING THAT IT BE STRICKEN FROM THE RECORD AND THE RESPONDENT BE REQUIRED TO PRODUCE A RESPONSE THAT ADDRESSES ALL THE CONCERNS MADE. THIS RESPONSE IS SUBMITTED AS A MEANS TO OBSTRUCT JUSTICE. THE PETITIONER OBJECTS AND IT VIOLATES MY RIGHTS UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE, U.S. v. HARE, 820 F.3d. 93 (4th.Cir.2016); PEGG v. HEARNBERGER, 845 F.3d. 112 (4th.Cir.2017).

INSOMUCH, THERE CAN BE NO DOUBT THAT THE 5TH. CIRCUIT SOLICITOR'S OFFICE INDEED HAD NOTICE OF THE FILING OF THE DNA APPLICATION BECAUSE THE STATUTE REQUIRED THAT THE CLERK OF COURT PROMPTLY BRING THE FILING TO THE ATTENTION OF BOTH THE SOLICITOR AND COURT FOR DOCKETING WHICH IS IMPLICATED BY THE CLOCK STAMP OF THE CLERK AND COURT DEMONSTRATING FILING AND NOTICE AS THE STATUTE REQUIRED. THE SOLICITOR'S OFFICE BY WHAT HAS OCCURRED FAILED TO NOTIFY THE APPROPRIATE CUSTODIAN OF EVIDENCE IN VIOLATION OF THE APPLICABLE STATUTE. THE SOLICITOR'S OFFICE FAILED TO NOTIFY ANY WOULD BE ALLEGED VICTIM IN VIOLATION OF THE APPLICABLE STATUTE AND THE PROVISIONS OF ARTICLE 15, CHAPTER 3, TITLE 16. THE SOLICITOR'S OFFICE FAILED TO RESPOND WITHIN [90] DAYS AND COUNTING FOR OVER [4] YEARS IN EGREGIOUS VIOLATION OF THE APPLICABLE STATUTE. THE SOLICITOR FAILED TO CHALLENGE AND MOVE TO SET ASIDE THE MOTION FOR DEFAULT AND FORFEITURE PURSUANT TO THE "CLAIM AND OR PROCEDURAL PROCESSING RULE" THAT WAS TIMELY ASSERTED TIED TO THE S.C. CONSTITUTION UNDER ARTICLE 1 § 23 MADE APPLICABLE TO THE STATES VIA THE 5TH. AMENDMENT DUE PROCESS CLAUSE, THE 14TH. AMENDMENT AND EQUAL PROTECTION OF THE LAWS CLAUSE WHERE THE U.S. SUPREME COURT DETERMINED THE PROCESSING RULE IS JURISDICTIONAL OR NOT. IF IT IS TIMELY INVOKED, IT IS MANDATORY. NOTHING IN HIS RESPONSE ADDRESSES THIS CLAIM. ANY ALLEGED VICTIM WAS DENIED ANY OPPORTUNITY TO POTENTIALLY RESPOND IN CLEAR VIOLATION OF THE APPLICABLE STATUTE. THE GENERAL SESSIONS COURT HAS FAILED TO TAKE ACCOUNT OF THE SUBSTANCE OF THE ADDITIONAL LITIGATION PLACED BEFORE THE COURT TO FURTHER CHALLENGE THE CONVICTION WHICH IS JURISDICTIONAL IN NATURE, CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL DECISION WAS MADE IN THE CASE, ISSUES THAT CANNOT BE WAIVED AND OR FORFEITED IN CLEAR VIOLATION OF THE APPLICABLE STATUTE. THE GENERAL SESSIONS COURT HAS FAILED TO MAKE SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CLEAR VIOLATION OF THE APPLICABLE STATUTE. THE APPELLANT WAS DENIED ANY OPPORTUNITY TO RESPOND BEFORE THE LOWER COURT TO ANY POTENTIALLY INTENDED SUMMARY DISMISSAL IN CLEAR VIOLATION OF THE APPLICABLE STATUTE. IN OTHER WORDS, THE 5TH. CIRCUIT SOLICITOR'S OFFICE AND KERSHAW COUNTY GENERAL SESSIONS COURT BY THEIR ACTIONS HAVE UNDENIABLY VIOLATED THE SEPARATION OF POWERS CLAUSE GOING AGAINST THE CLEAR

LEGISLATIVE INTENT OF THE DNA STATUTES IN QUESTION AND ARTICLE 1 § 23 OF THE S.C. CONSTITUTION PRODUCING UNCONSTITUTIONAL ACTION VOIDING THE GENERAL SESSIONS COURT'S JURISDICTION 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 CITIZEN BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020); SEBELIUS v. AUBURN REGIONAL MEDICAL CENTER, 133 S.Ct. 817, 184 L.Ed.2d. 627, 81 U.S.L.W. 4053 (U.S.2013).

UNLIKE THE WORD "MAY" WHICH IMPLIES DISCRETION THE WORD "SHALL" IN A STATUTE USUALLY CONNOTES A REQUIREMENT, 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.. WHEN A STATUTE DISTINGUISHES BETWEEN "MAY" AND "SHALL" IT IS GENERALLY CLEAR THAT "SHALL" IMPOSES A MANDATORY DUTY. THEREFORE, IT WOULD NOT BE APPROPRIATE FOR THE HONORABLE S.C. SUPREME COURT TO ALLOW THE LOWER COURT TO CONTINUE THE PROCESS OF THE DNA APPLICATION WITHIN A PROCEEDINGS THAT HAS CLEARLY BECOME UNCONSTITUTIONAL, 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. RODRIQUEZ, 138 S.Ct. 830, 200 L.Ed.2d. 112, 86 U.S.L.W. 4094(U.S.2018).

THE WISDOM OF THE STATUTE, WHERE "SHALL" IS MANDATORY, IS NOT THE CONCERN OF THE COURTS; IF THE STATUTE DOES NOT VIOLATE THE STATE AND FEDERAL CONSTITUTIONS IT MUST STAND AND BE SUSTAINED MAKING THE PROVISION OF LAW THAT HAS COME UNDER SCRUTINY HERE MANDATORY DEMONSTRATING IT WOULD BE A CLEAR VIOLATION OF DUE PROCESS PRODUCING UNCONSTITUTIONAL ACTION TO

ALLOW THE STATE AND SOLICITOR TO SUBMIT THIS RESPONSE IN VIOLATION OF THE STATUTE AND CONTINUE FURTHER THIS PROCESS VIOLATING THE SEPARATION OF POWERS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION THAT WOULD VOID THE GENERAL SESSIONS COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION PLACING THEM IN DEFAULT FORFEITURE AND WAIVER, HODGES v. RAINEY, 341 S.C. 79, 533 S.E.2d. 578 (S.C.App.2000); BESSINGER v. R-N-M BUILDING & ASSOCIATES, LLC., 421 S.C. 349, 806 S.E.2d. 731 (S.C.App.2017); MARSHALL v. DODDS, 417 S.C. 196, 789 S.E.2d. 88 (S.C.App.2016); I.N.S. v. CHADHA, 462 U.S. 919, 103 S.Ct. 2764, 77 L.Ed.2d. 317(U.S.1983).

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 THE LOWER COURT BEING ABLE TO CONTINUE FURTHER THIS CASE IN CLEAR VIOLATION OF THE APPLICABLE STATUTES GIVING WAY TO SUBTLE EXPANSION AND FORCE CONSTRUCTION OF THE STATUTE(S). THESE DECISIONS ARE ENTRUSTED TO THE LEGISLATURE WHO DECIDED THAT ONCE THE APPLICATION FOR DNA TESTING WAS FILED THE SOLICITOR HAD [90] DAYS TO RESPOND OR HE WOULD BE PROCEDURALLY BARRED DUE TO STATUTORY INTENT BEING SUBJECT TO DEFAULT, FORFEITURE AND WAIVER UNLESS THERE WAS SOME ORDER TIMELY AND PROPERLY ISSUED BY THE KERSHAW COUNTY COURT OF GENERAL SESSIONS COURT THAT WOULD PERMIT HIM TO EXTEND ANY PROSCRIBED TIME FOR RESPONSE MAKING THE PROVISION "MANDATORY", "DRACONIAN" UNLESS THERE IS SOME LANGUAGE WITHIN THE STATUTE THAT WOULD STATE OTHERWISE WHICH THERE IS NOT. THE PLAIN LANGUAGE RULE ATTACHES SUBJECTING THE STATE TO DEFAULT, FORFEITURE AND WAIVER, NATIONAL FEDERATION OF INDEPENDENT BUSINESS v. SEBELIUS, 567 U.S. 519, 132 S.Ct. 2566, 183 L.Ed.2d. 450(U.S.2012); STEGALL v. T.M.C. MULTI-STATE INTER-GOVERNMENTAL EMPLOYEE BENEFITS POOLS, INC., 2019 WL 4855226, S.W. Rptr. (Tex.2019); IN RE: BORDER INFRASTRUCTURE ENVIRONMENTAL LITIGATION, 284 F.Supp.3d. 1092(S.D.Cali.2018); STATE v. TAYLOR, 436 S.C. 28, 870 S.E.2d. 168(S.C.App.2022); DUKE ENERGY CORPORATION v. SOUTH CAROLINA DEPT. OF REVENUE, 445 S.C. 499, 914 S.E.2d. 873 (S.C.App.2025);

MOSHOURES v. CITY OF NORTH MYRTLE BEACH, 131 F.4TH. 158 (4th.Cir.2025); ESTATE OF MEIER BY AND THROUGH MEIER v. BURNSED, 445 S.C. 288, 914 S.E.2d. 130 (S.C.App.2025).

IN LIGHT OF THE CIRCUMSTANCES BEFORE US, THE RESPONSE IS SO INADEQUATE AND OR NON EXISTENT REGARDING ADDRESSING AND OR CHALLENGING THE DNA APPLICATION AND IS MERITLESS, AS WELL AS FAILURE TOWARDS ADDRESSING THE JURISDICTIONAL LEGAL ISSUES FILED WITHIN THE LOWER COURT OR ADDRESSING THE RELEASE OF THE SLED INVESTIGATIVE FILE, FILE 5501014 THAT WAS CLEARLY CRIMINALLY SUPPRESSED BY THE 5TH. CIRCUIT SOLICITOR'S OFFICE AND OR STATE CONSPIRING UNDER COLOR OF STATE LAW, THAT IT MUST BE DEEMED NO RESPONSE AT ALL, ABRAHAM v. COUNTY OF GREENVILLE S.C., 237 F.3d. 386 (4th.Cir.2001); SAMSUNG ELECTRONICS CO. LTD. v. NVIDIA CORPORATION, 314 F.R.D. 190 (E.D.Va.2016); ABRIGO GARCIA v. NOEM, 348 F.R.D. 594(D.Md.2025); IN RE: CAMP LEJUNE WATER LITIGATION, 707 F.Supp.3d. 509 (E.D.N.C.2023); J.W. ALUMINUM COMPANY v. ACE AMERICAN INSURANCE COMPANY, 707 F.Supp.3d. 545 (DSC.2023). THE SOLICITOR AND STATE'S RESPONSE IS INADEQUATE AND THEY ARE EVASIVE REFUSING TO ADDRESS THE ESSENTIAL PORTIONS OF THE CLAIMS WITH THE JURISDICTIONAL LEGAL ISSUES THAT WERE INDISPUTABLY PLACED BEFORE THE LOWER COURT THAT CANNOT BE WAIVED AND OR FORFEITED. THEY ARE EVASIVE AND PRODUCE NO JUSTIFIABLE REASON THAT IS ESTABLISHED WITHIN THE RESPONSE AS TO "WHY", THEY MUST BE PERMITTED TO GO BEYOND THE (90) DAYS THAT IS MANDATED BY THE STATUTE OR "WHY" THEY FAILED TO RESPOND TO CHALLENGE THE MOTION FOR DEFAULT AND JUDGMENT FILED BEFORE THE LOWER COURT AT THE ONE YEAR MARK OF THOSE PROCEEDINGS BASED UPON THE "PROCEDURAL PROCESSING RULE" RELIED UPON, NOR DOES THE RESPONSE ADDRESS THE RELEASE OF THE SUPPRESSED DISCOVERY IN THE FORM OF THE SLED INVESTIGATIVE FILE OR THE GRAND JURY PANEL DOCUMENTS THAT WERE ALSO SOUGHT AS PART OF THE DNA APPLICATION PROCEEDINGS DEMONSTRATING A LACK OF "GOOD FAITH" IN COMPLYING WITH THE APPLICABLE STATUTE AND THESE DUE PROCESS REQUIREMENTS THAT REQUIRE THE PRESENCE OF AN HONEST INTENTION TO EFFECTUATE THE AIMS FOR WHICH THE DNA APPLICATION AND ATTACHED PLEADINGS WERE FILED PURSUANT TO THE STATUTE AND DUE PROCESS LAW. THIS PRODUCES EXTREME PREJUDICE IN THEIR EFFORTS

CONSPIRING UNDER COLOR OF STATE LAW TO DENY THE PETITIONER A FULL, JUST, FAIR AND MEANINGFUL APPEAL, DENYING THE APPLICANT A FULL RESPONSE THAT ADDRESSES ESSENTIAL COMPONENTS OF THE PLEADING, TO DENY THE APPLICANT SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT THE LOWER COURT WAS REQUIRED TO GIVE, TO DENY THE APPLICANT THE ADDITIONAL DISCOVERY VIA THE SLED INVESTIGATIVE FILE SOUGHT, TO DENY THE APPLICANT THE GRAND JURY PANEL DOCUMENTS SUBJECTING HIM TO DISTRESS AND MENTAL ANGUISH PRODUCING OVERWHELMING PREJUDICE AND VIOLATIONS OF DUE PROCESS LAW PRODUCING UNCONSTITUTIONAL ACTION THAT VOIDS THE KERSHAW COUNTY GENERAL SESSIONS COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, CFRE, LLC. v. GREENVILLE COUNTY ASSESSOR, 395 S.C. 67, 716 S.E.2d. 877 (Sup.Ct.2011); FUNDERBURK v. FUNDERBURK, 2021 WL 5826756 (S.C.App.2021)(PREJUDICE IS PRESUMED AND UNLESS THE PARTY WHO FAILED TO ADEQUATELY RESPOND TO THE DISCOVERY REQUEST OVER THESE PAST [4] YEARS VIA THE FILED DNA APPLICATION CAN SHOW LACK OF PREJUDICE, REVERSAL OF THE CONVICTION IS REQUIRED); BELTRAM v. SOUTH CAROLINA DEPARTMENT OF REVENUE, S.E. Rptr., 2019 WL 5431833 (S.C.App.2019)(PARTY UPON WHO THE DNA APPLICATION WAS SERVED SHALL SERVE A WRITTEN RESPONSE BUT THE STATE FAILED TO DO SO FOR OVER [4] YEARS UNTIL NOW IN VIOLATION OF THE APPLICABLE STATUTE); TESENIAR v. PROFESSIONAL PLASTERING & STUCCO, INC., 407 S.C. 83, 754 S.E.2d. 267(S.C.App.2014); RICHARDSON ON BEHALF OF THE 5TH. CIRCUIT DRUG ENFORCEMENT UNIT v. TWENTY ONE THOUSAND 00/100 U.S. CURRENCY, 430 S.C. 594, 846 S.E.2d. 14 (S.C.App.2020); JAMISON v. FORD MOTOR CO., 373 S.C. 248, 644 S.E.2d. 755(S.C.App.2007); STATE v. SEAY, 2015 WL 8358578(S.C.App.2015)(OBJECTION TO INADEQUATE AND LATE RESPONSE FOR OVER [4] YEARS IS TIMELY MADE).

SUPPRESSION OF TRUTH WITH INTENT TO DECEIVE IS FRAUD, WHERE THE POTENTIALITY EXIST THAT THE DNA EVIDENCE WAS DESTROYED, SPOLIATED BY THE 5TH. CIRCUIT SOLICITOR'S OFFICE AND OTHER CONSPIRING UNDER COLOR OF STATE LAW ACTORS TO CONCEAL ACTS OF CRIMINALITY ON THE PART OF THE PROSECUTING AGENTS WHO ESSENTIALLY KIDNAPPED THE APPLICANT IN ACTS THAT ARE TANTAMOUNT TO HATE CRIMES AND STATE SPONSORED TERRORISM BEHIND RELIGIOUS AND RACIAL HATRED AS WAS ARGUED WITHIN THIS CASE DUE TO THE APPLICANT

CLAIMING TO BE CHRISTIAN, MUSLIM AND JEW COMBINED AND THESE EVENTS OCCURRING DURING THE TIME OF 9/11 WHERE THIS NATION EXHIBITED AN INTENSE HATRED FOR ANYTHING THAT REMOTELY HAD ANY CONNECTION TO ISLAM OR MUSLIMS. THE INTENT HERE BY THE RESPONDENT IS NOT TO RESPOND. HIS INTENT IS TO DENY THE RELEASE OF THE DNA TESTING TO CONCEAL TRUTH AND CRIMINALITY IN FRAUD UPON THE COURT. THE CRIMINAL SEXUAL CONDUCT DONE BY MICHAEL LEE HAS NO STATUTE OF LIMITATIONS AND IN SOUTH CAROLINA AN 11 YEAR OLD CANNOT LEGALLY CONSENT TO SEXUAL INTERCOURSE AND IT WOULD BE CONSIDERED A CRIME. THERE ARE NO ROMEO AND JULIET LAWS IN SOUTH CAROLINA. SHE COULD NOT GIVE CONSENT TO MICHAEL LEE WHETHER THERE WAS A VERBAL AGREEMENT OR NOT. THE 5TH. CIRCUIT SOLICITOR'S OFFICE AIDED IN CONCEALING MULTIPLE OFFENSES OF CSC, CLASS "A" FELONIES, UNLESS THEY CAN DEMONSTRATE THAT MICHAEL LEE HAS BEEN PROSECUTED. THEY ARE ASSESSORIES AFTER THE FACT. IF YOU HELP A KNOWN FELON EVADE ARREST, CONVICTION, OR PUNISHMENT AS THEY DID MICHAEL, THEY CAN BE CHARGED AS ASSESSORY AFTER THE FACT WHERE THEY HELPED TO CONCEAL HIS CRIMES. CONCEALING MICHAEL LEE'S CRIMES WHICH THE DNA WOULD PROVE WOULD ALSO MAKE THEM GUILTY OF OBSTRUCTION OF JUSTICE. THIS IS WHY THEY DO NOT WANT THE DNA TESTED AND THE S.C. SUPREME COURT UNDER THESE CIRCUMSTANCES WOULD ETHICALLY BE OBLIGATED TO CAUSE THE REVEALING OF THIS EVIDENCE OF THEIR CRIMINALITY WHICH IS RELEVANT TO THE CHARGE IN WHICH THE APPELLANT CURRENTLY STAND CONVICTED. IT IS WELL SETTLED IN LAW THAT WILLFUL BLINDNESS AND CONSCIOUS AVOIDANCE IS THE LEGAL EQUIVALENT TO KNOWLEDGE, STERLING v. VELSIKOL CHEMICAL CORP., 647 F.Supp. 303(W.D.Tenn.1996); U.S. v. ADAMS, 60 M.J. 912 (2005); U.S. v. ANTZOULATOS, 963 F.2d. 720(7th.Cir.1992); GLOBAL TECH APPLIANCES, INC. v. S.E.B., 563 U.S. 754, 131 S.Ct. 2060, 179 L.Ed.2d. 1167(U.S.2011); U.S. v. ONE 1973 ROLLS ROYCE, V.I.N. SRH-16266 BY AND THROUGH GOODMAN, 43 F.3d. 794(3rd.Cir.1994); U.S. v. ALSTON-GRAVES, 435 F.3d. 331(D.D.C.2006); U.S. v. TOFANAH, 765 F.3d. 141(2nd.Cir.2014).

THE APPELLANT WANTS THAT DNA ORDERED PRESERVED NO MATTER WHAT, TO REVEAL THE CRIMINAL ACTIVITY OF AIDING AFTER THE FACT IN CSC, A CLASS "A" FELONY, THAT POTENTIALLY CAUSED THIS CHILD'S

DEATH WHICH WILL BE NEEDED AS EVIDENCE FOR ANY FUTURE POTENTIAL JUDICIAL ACTION. FRAUDULENT CONCEALMENT WITHOUT ANY MISREPRESENTATION OR DUTY TO DISCLOSE (THE DNA, SLED INVESTIGATIVE FILE AND GRAND JURY PANEL DOCUMENTS) CONSTITUTE FRAUD, EVEN IN ABSENCE OF FIDUCIARY DUTY, STATUTORY, OR OTHERWISE INDEPENDENT LEGAL DUTY TO DISCLOSE MATERIAL INFORMATION (SUCH AS THE BIOLOGICAL INFORMATION IN THE FORM OF THE DNA, SLED INVESTIGATIVE FILE 5501014, AND GRAND JURY PANEL DOCUMENTS THAT WOULD REVEAL THE SHAM LEGAL PROCESS), COMMON LAW FRAUD INCLUDES ALL ACTS TAKEN TO CONCEAL (CONCEAL CRIMES OF CSC AND THE TRUE CAUSE OF DEATH), CREATE A FALSE IMPRESSION (LIKE THEY WERE ACTING IN GOOD FAITH AND THAT SHE WAS NOT PREGNANT BY HER HALF BROTHER), MISLEAD, OR OTHERWISE DECEIVE TO PREVENT OTHER PARTY FROM ACQUIRING MATERIAL INFORMATION SUCH AS THE DNA SAMPLES BEING TESTED TO MICHAEL, THE SLED INVESTIGATIVE FILE THAT WOULD REVEAL THAT THEY SOLICITED PERJURED TESTIMONY AND THE CORONOR'S NOTES IMPLICATING THE TRUE CAUSE OF DEATH AND GRAND JURY PANEL DOCUMENTS THAT WERE TIMELY AND PROPERLY SOUGHT ATTACHED TO THE SEEKING OF THE DNA APPLICATION PRODUCING UNCONSTITUTIONAL ACTION WHICH VOIDS THE LOWER COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, IN RE: DURAMAX DIESEL LITIGATION,--F.R.D.--, 2018 WL 949856(E.D.Mich.2018); UNITED STATES v. PALIN, 874 F.3d. 418 (4th.Cir.2017); UNITED STATES v. LUSK, 2017 WL 508589 (S.D.Va.2017); UNITED STATES v. CALLOWAY, F.Supp.2d., 2016 WL 4269961 (N.D.Cali.2016); MORRISON v. ACCUWEATHER, INC., F.Supp.3d., 2016 WL 3015226 (M.D.Pa.2016); HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 249(U.S.2017). THE FRAUD UPON THE COURT PERPETRATED BY THE 5TH. CIRCUIT SOLICITOR'S OFFICE AND THE KERSHAW COUNTY COURT OF GENERAL SESSIONS ATTACKS THE FRAMEWORK AND INTEGRITY OF THE MACHINERY OF THE COURT ITSELF AND PREVENT THE COURT FROM PERFORMING ITS FUNCTION OF ADJUDICATING CASES IN A NORMAL MANNER IN ACCORDANCE WITH THE LAWS OF DUE PROCESS VOIDING THEIR JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, JAMISON v. FORD MOTOR COMPANY, 373 S.C. 248, 644 S.E.2d. 755(S.C.App.2007); SANDERS v. SMITH, 431 S.C. 605, 848 S.E.2d. 604(S.C.App.2020);

INASMUCH, THE APPELLANT WENT ON THE OFFICIAL RECORD BEFORE EVERY COURT THAT HE WAS INVOLVED WITH SINCE 2006 OF HIS SEEKING THE TESTING OF THOSE DNA SAMPLES AND WHY ONLY TO BE SUBJECT TO EGREGIOUS, OVERWHELMING ACTS OF FRAUD AND OBSTRUCTION OF JUSTICE TO AID MICHAEL LEE TO AVOID PROSECUTION FOR NUMEROUS CLASS "A" FELONIES OF CSC WITH A MINOR IN CRIMINAL ACTS OF AIDING AND ABETTING AFTER THE FACT. THE RESPONDENT HAD NOTICE UNDER CASES 2006-CP-400-3567, 3568, 3569; 2023-CP-400-0084, 2294. THEY WERE EVEN GIVEN DIRECT NOTICE OF THE SIGNIFICANCE AND NECESSITY TO PRESERVE THAT DNA EVIDENCE RIGHT BEFORE THIS VERY COURT IN 2020 UNDER CASE 2020-000974, YET STILL THEY FOUGHT AND THOUGHT OF EVERY CRIMINAL WAY IMAGINABLE, CONSPIRING UNDER COLOR OF STATE LAW, NOT TO PRODUCE THAT DNA TO CONCEAL THEIR ASSESSORY AFTER THE FACT TO NUMEROUS COUNTS OF CSC OF CLASS "A" FELONIES, TO CONCEAL THEIR ACTS OF ESSENTIALLY STATE SPONSORED TERRORISM ATTACKING, FRAMING A PERSON BEHIND RELIGIOUS AND RACIAL HATRED, PROCURING PERJURED TESTIMONY AND FRAUD PRODUCED INDICTMENT RUBBER STAMPING IT, THAT NEVER WAS PASSED UPON BY THE GRAND JURY, DEMONSTRATING THAT THERE IS NO JUSTIFIABLE REASON WHY THOSE DNA SAMPLES SHOULD NOT HAVE BEEN PRODUCED AND PRESERVED FOR THIS VERY DAY AS THE STATUTE REQUIRED. IN FUNDAMENTAL FAIRNESS TO THE APPLICANT, THE RESPONDENT AND THE KERSHAW COUNTY GENERAL SESSIONS COURT SHOULD NOT BE PERMITTED TO CONTINUE WITH THIS FARCE, THIS MANIFEST INJUSTICE AND INORDINATE DELAY THAT STAND IN BLATANT DEFIANCE WITH DUE PROCESS LAW, PRODUCING UNCONSTITUTIONAL ACTION BEFORE THE SOUTH CAROLINA SUPREME COURT. ALL INDICATION POINT TO THE POTENTIALITY THAT THE LOWER COURT CONSPIRING WITH THE OTHER STATE ACTORS UNDER COLOR OF STATE LAW BEHIND RELIGIOUS AND RACIAL HATRED, SPOLIATED, DESTROYED, COMPROMISED, THOSE DNA SAMPLES THAT THE SLED ANALYST CONFIRMED EXISTED WHERE HE ASKED FOR THE STANDARD FROM MICHAEL TO BE TESTED WAY BACK IN 2001 BUT WAS DENIED, TO PREVENT THEIR CRIMINALITY FROM BEING BROUGHT TO LIGHT AND IT BE REVEALED THAT THEY SUPPRESSED THE TRUE CAUSE OF DEATH IN THE AUTOPSY, CONCEALING THE FACT THAT SHE DIED FROM THE SEXUAL

ASSAULT OF HER HALF BROTHER, MICHAEL LEE, WHOM THEY WERE LEGALLY OBLIGATED TO PROSECUTE FOR CSC BUT FAILED, GOT PREGNANT BY HIM, DEVELOPED GESTATIONAL DIABETES, SPONTANEOUSLY ABORTED THE FETUS AND IT KILLED HER BECAUSE NO ONE KNEW AND SHE DID NOT RECEIVE A DECONTAMINATE CLEANING, SHE CONCEALED THEIR BEHAVIOR AND IT LED TO HER VERY DEATH AND THEY CONCEALED THIS BEHIND RELIGIOUS AND RACIAL HATRED IN ACTS OF HATE CRIME, AS IS ARGUED IN THIS CASE. THE CONSPIRING STATE ACTORS KNEW THIS WAS THE CASE FROM THE VERY START WHICH WAS ANOTHER REASON WHY THEY SUPPRESSED THE SLED INVESTIGATIVE FILE, FILE 5501014, BECAUSE WITHIN IT CONTAINED THE CORONER'S NOTES INDICATING THE TRUE CAUSE OF DEATH. JOHN MEADORS, THE SOLICITOR, RECORDED ON TRANSCRIPT AT THE APPELLANT'S COMPETENCY HEARING, LIED ON THE COURT RECORD, CLAIMING THAT HE DID NOT KNOW WHAT THE APPLICANT WAS TALKING ABOUT WHEN GIVEN THE SPECIFIC SLED FILE NUMBER IN QUESTION TO PREVENT THIS EVIDENCE AND JURISDICTIONAL FACTS FROM EVER COMING INTO THE COURT RECORD. THIS IS COMPOUNDED BY THE LAWLESSNESS OF THE COUNTY AND STATE ACTORS RUBBER STAMPING ON THE VERY DAY OF THE TRIAL WHEN NO GRAND JURY MET, A FRAUD PROCURED INDICTMENT, DEPRIVING THE APPLICANT OF TIME TO CHALLENGE IT IN ACTS OF SHAM LEGAL PROCESS GIVING A FALSE IMPRESSION THAT THE INDICTMENT WAS PASSED UPON BY THE GRAND JURY WHEN NO SUCH REQUIRED GRAND JURY REVIEW EVER OCCURRED AT ALL REQUIRING THEY PRODUCE THOSE GRAND JURY PANEL DOCUMENTS WHICH WAS ALSO SOUGHT BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS ATTACHED TO THE DNA APPLICATION PROCEEDINGS, RICE v. - PALE, F.Supp.3d., 2014 WL 8335449 (DSC.2014); S.C. CODE ANN. § 14-7-1610; S.C. CODE ANN. § 14-7-1630; EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510(S.C.App.2005); STATE v. SMITH, 2010 WL 10079049(S.C.2010). THE APPLICANT IS ARGUING AGAINST THE PRECEDENT WHERE THIS ACTION IMPLICATES SUBJECT MATTER JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. DUE TO THIS MISCARRIAGE OF JUSTICE AND FRAUD UPON THE LOWER COURT, ALSO SUPPORTED BY THE OTHER JURISDICTIONAL ISSUES AND CHALLENGES THAT WERE TIMELY PRESENTED BEFORE THE KERSHAW COUNTY DNA COURT, THAT CANNOT BE WAIVED AND OR FORFEITED, SUCH AS THE FATALLY DEFECTIVE INDICTMENT ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494 (2005) WHERE THAT CASE WAS ADJUDICATED UNDER THE

STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION AND THE APPELLANT IS ARGUING HIS CLAIMS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, THE INDICTMENT BY ITS LANGUAGE CONTAINED THEREIN PREDETERMINE THE OUTCOME OF THE PROCEEDINGS, TAKE AWAY THE PRESUMPTION OF INNOCENCE AND SHIFT THE BURDEN OF PERSUASION WHERE A CURATIVE INSTRUCTION "BOILERPLATE" DOES NOT CURE THE DUE PROCESS PROBLEM AND CONSTRUCTIVE AMENDMENT OF THE INDICTMENT OCCURS IN THE EFFORT TO DO SO, THE STATE BRINGING UP THE APPLICANT'S RELIGIOUS BELIEFS AT TRIAL FOR THE PURPOSE OF ESTABLISHING LAW IN VIOLATION OF THE 1st. AMENDMENT AND EQUAL PROTECTION OF THE LAWS CLAUSE WHEN THOSE RELIGIOUS BELIEFS HAD ABSOLUTELY NOTHING TO DO WITH THE CHARGES THAT WERE BEING BROUGHT BEFORE THE COURT WHICH WERE ALSO PROTECTED UNDER ARTICLE 1 § 10 OF THE U.S. CONSTITUTION, THEY VIOLATING DISCOVERY RULES IN DEFIANCE TO U.S. SUPREME COURT PRECEDENT UNDER WEARRY v. CAIN SUPRA., CONSTRUCTIVELY AMENDING THE INDICTMENT ON THE CRUCIAL MENS REA ELEMENTS AND THE ESSENTIAL ELEMENTS OF THE OFFENSE AS TO THE "TIME AND PLACE", THEY VIOLATING THE PROVISIONS OF S.C. CODE ANN. §§ 19-1-80, 19-1-90 WHERE THE APPLICANT IS ARGUING AGAINST ANY ESTABLISHED PRECEDENT UNDER RULE 217 BECAUSE THE LOWER COURTS ESSENTIALLY EXPANDED AND FORCED CONSTRUCTED THE STATUTE OUT OF EXISTENCE IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE AND PLAIN LANGUAGE RULE. THE ACTIONS OF THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW, THE KERSHAW COUNTY GENERAL SESSIONS COURT PRODUCE THESE ADDITIONAL CAUSES OF ACTION THAT VOIDS THE GENERAL SESSIONS COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, INVALIDATING, VITIATING THE CONVICTION ITSELF BY THE FRAUD UPON THE COURT AND CRIMINAL ACTIVITY PERPETRATED BY THE PROSECUTING AGENTS WHO ACTED BEHIND RELIGIOUS AND RACIAL ANIMUS THAT CONSTITUTE FEDERAL HATE CRIMES AND THAT ARE TANTAMOUNT TO ACTS OF STATE SPONSORED TERRORISM. SUBJECT MATTER JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION CANNOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL JUDGMENT HAS BEEN ISSUED IN THE CASE. SEE ADDITIONAL CASES CITED IN THE INITIAL DOCUMENT FILED TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION. THE RESPONDENT'S RESPONSE IS EGREGIOUSLY

INADEQUATE IN LIGHT OF THE LEGAL ISSUES PRESENTED IN THIS CASE FAILING TO ADDRESS KEY, ESSENTIAL PORTIONS OF THE PLEADING AND MUST BE DEEMED NO RESPONSE AT ALL BEING OVER [4] YEARS LATE BY THE DNA STATUTE WHERE MOTION FOR DEFAULT AND JUDGMENT WAS FILED WITHIN THE LOWER COURT AT THE ONE YEAR MARK AND HE GAVE NO EXCUSE WHATSOEVER WHY THIS CASE REMAINED UNRESOLVED FOR OVER [4] YEARS WITHIN THE LOWER COURT IN VIOLATION OF THE STATUTE AND U.S. SUPREME COURT HOLDINGS UNDER BETTERMAN v. MONTANA. THE RESPONDENT IS UTTERLY SILENT ON THESE CRUCIAL JURISDICTIONAL QUESTIONS AND ISSUES. THE APPLICANT RENEWS HIS MOTION FOR DEFAULT, FORFEITURE AND WAIVER WHERE THIS RESPONSE IS SUPPOSE TO BE PROCEDURALLY BARRED BY THE DNA STATUTE AND DUE PROCESS LAW WHICH REQUIRED THE RESPONSE WITHIN (90) DAYS, NOT OVER [4] YEARS LATE. THE APPLICANT STILL SEEKS AN ORDER ESTABLISHING NAME CHANGE AND SEEK THAT HIS RECORD BE EXPUNGED AND THAT HIS RECORD BE WIPED CLEAN OF THIS ACT OF KIDNAPPING AND STATE SPONSORED TERRORISM ON THE PART OF THIS STATE, TO INCLUDE THE REVERSAL AND VACATING OF HIS SENTENCE. THEIR SILENCE IN ADDRESSING THESE KEY POINTS OF CONTROVERSY IS ACCEPTANCE OF THESE CLAIMS AND FACTS PLACED BEFORE THE HONORABLE S.C. SUPREME COURT, MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599 (U.S.2016); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1988); THE CITY OF OCALA, FLORIDA v. ROJAS, 598--U.S.--, 2023 WL 2357328 (U.S.2023); MDC INNOVATIONS, LLC. v. NORTHERN,--Fed. Appx'--, 2018 WL 1129607 (4th.Cir.2018); HAMER v. NEIGHBORHOOD SERVICES OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 249(U.S.2017); UNITED STATES v. CONRAD, 675 Fed. Appx' 262 CA4 (N.C.2017); WELLNESS INTERN, 135 S.Ct. 1932; IN RE:MILLENNIUM LAB HOLDINGS II, LLC., 572 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); UNITED STATES v. CAMERO-CASTANEDA, 2021 WL 4979406 (E.D.N.C.2021).

AS IT RELATES TO THE ISSUE OF SUBJECT MATTER JURISDICTION. THE UNITED STATES SUPREME COURT BY RECENT RULING HAVE NOW MADE THE ISSUE OF SUBJECT MATTER JURISDICTION CLEAR AND UNAMBIGUOUS

FOR ALL COURTS ON RECORD, BOTH STATE AND FEDERAL. THAT COURT WAS UNEQUIVOCAL WHEN IT DETERMINED:

"COURTS (ALL COURTS, BOTH STATE AND FEDERAL NO MATTER WHAT STATUTORY JURISDICTION IS GIVEN TO THEM) HAVE NO CONSTITUTIONAL AUTHORITY (JURISDICTION) TO PASS ON THE MERITS (WHICH INCLUDE THE GENERAL SESSIONS COURT BEING ABLE TO CONTINUE THIS CASE DUE TO VIOLATIONS OF THE STATUTE, DEFAULT AND JUDGMENT FILED IN THE LOWER COURT, DUE PROCESS VIOLATIONS LEADING TO DEFAULT AND JUDGMENT) OF A CASE BEYOND THEIR JURISDICTION (THE INORDINATE DELAY, FRAUD IN SUPPRESSION OF TRUTH, OBSTRUCTION OF JUSTICE, DUE PROCESS VIOLATIONS, VIOLATIONS OF THE APPLICABLE STATUTE(S) AND SEPARATION OF POWERS CLAUSE PLACES THE CASE BEYOND THEIR JURISDICTION TO KEEP IN PLACE THE CONVICTION)---"TO DO SO IS, BY VERY DEFINITION, FOR THE KERSHAW COUNTY GENERAL SESSIONS COURT TO ACT ULTRA VIRES", 525 U.S. AT 102, 118 S.Ct. 1003. "MUCH MORE THAN MERE NICETIES ARE AT STAKE HERE. THE STATUTORY (LEGISLATIVE PRONG AND OR ELEMENT) AND ("ESPECIALLY") CONSTITUTIONAL ELEMENT (PRONG) 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 RESTRAINING 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. THUS, IN FUNDAMENTAL FAIRNESS TO THE APPELLANT THE SENTENCE AND CONVICTION MUST BE VACATED, RENDERED UNCONSTITUTIONAL AND VOID, AND ORDER BE ISSUED TO ESTABLISH THE SOUGHT NAME CHANGE AND EXPUNGEMENT OF THE APPELLANT'S CRIMINAL RECORD, CROSS-SOUND FERRY SERV., INC. V. I.C.C., 834 F.3d. 327, 339 (C.A.D.C.1991); THE CITY OF OCALA, FLORIDA V. ROJAS SUPRA.(EXPLAINING THE TWO ELEMENTS OF SUBJECT MATTER JURISDICTION IN THE DISSENT IN AN UNRELATED MATTER); 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 REQUIREMENT TO PLACE PROPER ELEMENTS WITHIN AN INDICTMENT AND THE VOIDING OF JURISDICTION); MONTGOMERY

v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599
(U.S.2016)(UNCONSTITUTIONAL ACTION IN CRIMINAL CASES VOIDS
JURISDICTION); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT,
523 U.S. 83, 118 S.Ct. 1003(U.S.1988)(UNCONSTITUTIONAL ACTION
UNDER BOTH THE STATUTORY AND CONSTITUTIONAL ELEMENTS TO SUBJECT
MATTER JURISDICTION VOID JURISDICTION).

RESPECTFULLY,
JONAH THE TISHBITE

A large, stylized handwritten signature in black ink, featuring a prominent loop and a long horizontal stroke.

YAHDINA OVERSTREET-U-DEEN

A handwritten signature in black ink, appearing to read 'The Tishbite' in a cursive script.

JULY 8, 2025

EXHIBIT, "CRAWFORD NUMBER 2".

4

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CASE DOCKET NO. 2025-000812

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

CASE NO. 2009-GS-28-00385
APPLICATION FOR FORENSIC DNA TESTING

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

APPELLANTS-PETITIONERS

Vs.

THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW ET. AL.,

RESPONDENT(S)

AFFIDAVIT OF SERVICE

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF A DOCUMENT ENTITLED, "RULE 56 AFFIDAVIT IN OPPOSITION TO MOTION FOR SUMMARY DISMISSAL OF APPLICATION FOR FORENSIC DNA TESTING; MOTION TO FILE OBJECTIONS TO ANY EFFORT TO THE ATTEMPTS

AT SUMMARY DISMISSAL, RENEWING THE PREVIOUS FILED MOTION TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE OR EXCUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR, [24] PAGES DATED JULY 8, 2025", ON THE SOUTH CAROLINA SUPREME COURT P.O. BOX 11330 COLUMBIA, S.C. 29211, MR. BYRON E. GIPSON THE 5TH. CIRCUIT SOLICITOR'S OFFICE P.O. BOX 192, 1701 MAIN STREET 3rd. FLOOR, COLUMBIA, S.C. 29202, SOLICITOR CURTIS A. PAULING III, KERSHAW COUNTY SOLICITOR'S OFFICE 1121 BROAD STREET, CAMDEN, S.C. 29020, BY U.S. MAIL, POSTAGE PREPAID, BY DEPOSITING IT IN THE INSTITUTION MAILBOX OR HANDED TO INSTITUTION AUTHORITIES ON JULY 24, 2025.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, appearing to read 'Jonah The Tishbite', with a large circular flourish at the end.

JULY 24, 2025

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CASE DOCKET NO. 2025-000812

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

CASE NO. 200~~9~~-GS-28-00385
APPLICATION FOR FORENSIC DNA TESTING

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

APPELLANTS-PETITIONERS

Vs.

THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW ET. AL.,

RESPONDENT(S)

RULE 56 AFFIDAVIT SUBMITTED IN OPPOSITION TO MOTION FOR
SUMMARY DISMISSAL OF APPLICATION FOR FORENSIC DNA TESTING;
MOTION TO FILE OBJECTIONS TO ANY EFFORT TO THE ATTEMPTS
AT SUMMARY DISMISSAL RENEWING THE PREVIOUS FILED MOTION
TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S
RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION
OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH
CAUSE OR EXCUSE FOR THE DELAY AND MOTION TO MOTION
THEREFOR, [24] PAGES DATED JULY 8, 2025.

TO: THE SOUTH CAROLINA SUPREME COURT,
DEPUTY SOLICITOR CURTIS A. PAULING ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) A COPY OF A LETTER SENT TO THE APPELLANT-APPLICANT FROM THE SOUTH CAROLINA SUPREME COURT DATED JULY 2, 2025 THAT WAS DIRECTLY SENT TO THE DEPUTY SOLICITOR, CURTIS A. PAULING III REGARDING CASE 2025-000812 CURRENTLY BEFORE THIS COURT.

(2) A COPY OF THE DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE OR EXCUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR", [24] PAGES DATED JULY 8, 2025. THIS DOCUMENT WAS PREVIOUSLY SENT TO THE S.C. SUPREME COURT. IT WAS SENT TO THE COURT A SECOND TIME DUE TO POTENTIAL QUESTION AS TO WHETHER THE COURT RECEIVED THE DOCUMENT OR NOT. IT HAS NOW ALSO BEEN DIRECTLY SERVED UPON BOTH CURTIS A. PAULING III AND MR. GIBSON OF THE 5TH. CIRCUIT SOLICITOR OFFICES.

INASMUCH, THE RESPONDENT FILED PLEADING ON JUNE 27, 2025 WHICH THE [24] PAGE PLEADING DATED JULY 8, 2025 SENT IN BY THE APPELLANT WAS FILED TO ADDRESS AND REBUT. SINCE THAT TIME, THE RESPONDENT HAS FILED AND SERVED UPON THE APPELLANT-APPLICANT AN ADDITIONAL SUPPLEMENT PLEADING INDICATED BY HIS LETTER DATED JULY 11, 2025, THAT NOW CONTAINS A MOTION TO DISMISS THE APPLICATION FOR FORENSIC DNA TESTING THAT WAS NOT SERVED UPON THE APPLICANT PREVIOUSLY. THIS ADDITIONAL SUPPLEMENT PLEADING WAS RECEIVED BY THE APPELLANT-APPLICANT ON JULY 21, 2025 MAKING THIS RESPONSE IN OPPOSITION TO THE SUPPLEMENT PLEADING TIMELY, WHICH NOW ACCORDING TO THIS ADDITIONAL PLEADING HAS AN UNCONSTITUTIONAL AND VOID HEARING SCHEDULE ON SEPTEMBER 2, 2025 THAT EXIST IN VIOLATION OF THE APPLICABLE STATUTE WHERE THE LOWER COURT'S JURISDICTION IS VOID FOR THE UNCONSTITUTIONAL ACTION ARGUED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE

APPLICANT ADAMANTLY OBJECT TO THIS CONTINUED MANIFEST INJUSTICE PERPETRATED BY THE 5TH. CIRCUIT SOLICITOR'S OFFICE.

THE SAME DEFENSE, CLAIMS AND OBJECTIONS MADE WITHIN THE APPELLANT-APPLICANT'S RESPONSE TO THE RESPONDENT'S PREVIOUS PLEADING ARE RENEWED BEFORE THE HONORABLE S.C. SUPREME COURT IN CHALLENGING THIS ADDITIONAL SUPPLEMENT PLEADING NOW PLACE BEFORE THE S.C. SUPREME COURT. BASED UPON THESE JURISDICTIONAL FACTS, THE MOTION TO STRIKE THIS ADDITIONAL SUPPLEMENT PLEADING IS MADE FOR THE SAME REASONS ARGUED BY THE APPLICANT WITHIN THE PREVIOUS FILED PLEADING DATED JULY 8, 2025.

THE APPLICANT BRINGS THE COURT AND PARTIES ATTENTION TO THE COPY OF THE LETTER SENT TO THE PARTIES BY THE HONORABLE S.C. SUPREME COURT DATED JULY 2, 2025. THAT LETTER OF INSTRUCTION TO THE RESPONDENT READS:

"WILL ACKNOWLEDGE RECEIPT OF YOUR RESPONSE TO THE APPLICANT'S REQUEST FOR AN EXTRAORDINARY WRIT IN THIS COURT'S ORIGINAL JURISDICTION. WITHIN TEN DAYS (EMPHASIS ADDED) OF THIS LETTER, PLEASE FILE A SUPPLEMENTAL RESPONSE CLARIFYING (1) THE CURRENT STATUS OF THE CASE THAT IS STILL PENDING BELOW, (2) WHETHER THE SOLICITOR'S OFFICE HAS FILED A RESPONSE TO THE APPLICATION IN THE CIRCUIT COURT BELOW (EMPHASIS ADDED), AND (3) WHY THE CASE HAS REMAINED PENDING FOR FOUR YEARS. PLEASE ALSO PROVIDE PROOF THAT YOU HAVE SERVED YOUR SUPPLEMENT RETURN ON MR. CRAWFORD."

IT IS OBVIOUS THAT A CLERK DOES NOT HAVE JUDICIAL AUTHORITY GIVEN TO HER BY STATUTE OR THE CONSTITUTION. THEREFORE, IT IS NOT UNREASONABLE TO SURMISE THAT THE CLERK'S INSTRUCTION GIVEN BY THIS LETTER WAS GIVEN UNDER THE AUSPICES OF THE HONORABLE JUDGES OF THE S.C. SUPREME COURT. IT IS PERSPICUOUS THAT THE RESPONDENT WAS UNDENIABLE AWARE OF THIS INSTRUCTION GIVEN BY THE COURT. IT IS UNDENIABLE THAT THE RESPONDENT, AFTER FAILING TO ADHERE TO THE CLEAR INSTRUCTION GIVEN BY THE S.C. SUPREME COURT, HAS HAD AN ADDITIONAL OPPORTUNITY TO CORRECT ANY DEFICIENCIES IN HIS RESPONSE BY THE ADDITIONAL SUPPLEMENT NOW

PLACED FORTH, BUT UNTIL THIS VERY DAY HAS FAILED TO ADHERE TO THE CLEAR INSTRUCTIONS GIVEN TO HIM BY THE COURT TO THE EXTREME PREJUDICE OF THE APPELLANT-APPLICANT, CONSPIRING UNDER COLOR OF STATE LAW TO THWART AND PREVENT A FULL AND MEANINGFUL APPEAL BEFORE THE HONORABLE S.C. SUPREME COURT.

WHERE WITHIN THE RESPONDENT'S INITIAL AND SUPPLEMENT RESPONSE DO THE RESPONDENT DEMONSTRATE COMPLIANCE WITH THE COURT'S INSTRUCTION WHERE THE COURT "SPECIFICALLY", "SPECIFICALLY" INSTRUCTED HIM TO GO ON THE COURT RECORD AND ANSWER THE LEGAL QUESTION(S) "(2) WHETHER THE SOLICITOR'S OFFICE HAS FILED A RESPONSE TO THE APPLICATION IN THE CIRCUIT COURT (NOT BEFORE THE S.C. SUPREME COURT), AND (3) WHY THE CASE HAS REMAINED PENDING FOR FOUR YEARS.". WHERE, WHERE, IN THE RESPONDENT'S INITIAL PLEADING, OR HIS SUPPLEMENT PLEADING HAS THE RESPONDENT INDICATED OR DEMONSTRATED ANY EFFORT OR DEFENSE REGARDING THESE INSTRUCTIONS, MAKING SINCERE EFFORTS TO BE IN COMPLIANCE TO THE S.C. SUPREME COURT'S INSTRUCTIONS PURSUANT TO THESE SUBSTANTIAL DUE PROCESS AND JURISDICTIONAL LEGAL QUESTIONS? THE APPLICANT DO NOT WAIVE AND OR FORFEIT THESE JURISDICTIONAL QUESTION, THAT EXIST VIA THE COURT'S INSTRUCTIONS AND THE DNA TESTING STATUTES THAT ARE SUPPORTED BY THE U.S. SUPREME COURT DETERMINATION UNDER BETTERMAN v. MONTANA AND THE CLAIM PROCESSING RULE RIGHTS TIMELY INVOKED BEFORE THE LOWER CIRCUIT COURT WHICH IS SUPPORT BY JUDICIAL HOLDINGS UNDER UNITED STATES v. WHEELER AND FORT BEND COUNTY, TEXAS v. DAVIS AS IS ARGUED WITHIN THE [24] PAGE APPELLANT RESPONSE DATED JULY 8, 2025. THE CLAIMS PRESENTED VOIDS THE LOWER COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, SUBJECTING THE RESPONDENT TO DEFAULT, FORFEITURE AND WAIVER BY THE STATUTE AND DUE PROCESS LAW ARGUED. ALL PREVIOUS FILED CLAIMS, OBJECTIONS AND DEFENSES ARGUED WITHIN THE [24] PAGE APPELLANT PLEADING DATED JULY 8, 2025 ARE RENEWED. THE RESPONDENT IS TIME BARRED BY THE APPLICABLE STATUTE(S) UNLESS HE CAN DEMONSTRATE THAT HE TIMELY RESPONDED WITHIN THE LOWER COURT AS THE STATUTE REQUIRED. HE FAILED TO ADDRESS THESE CLAIMS AND THE DEFAULT THAT OCCURRED AT THE ONE YEAR MARK PURSUANT TO THE CLAIM PROCESSING RULE RELIED UPON WHERE

THE U.S. SUPREME COURT DETERMINED WHETHER THE PROCESSING RULE IS JURISDICTIONAL OR NOT. IF IT IS TIMELY SOUGHT EXERCISED IT IS MANDATORY, WHICH WAS DONE BEFORE THE LOWER COURT INVOLVED. WHERE IS HIS RESPONSE DID HE EXPLAIN TO THE COURT AND APPLICANT WHY THIS CASE HAS REMAINED UNRESOLVED FOR GOING ON 5 YEARS NOW. HE WAS REQUIRED TO SHOW EXCUSE BUT FAILED OVER AND OVER AGAIN JUSTIFYING THE CLAIM OF DEFAULT, FORFEITURE AND WAIVE WHICH IS RENEWED BY THIS PLEADING. THE APPELLANT-APPLICANT RENEWS THE MOTION TO STRIKE THIS SUPPLEMENT PLEADING FOR THE SAME REASONS ARGUED IN THE APPELLANT'S PREVIOUS FILING, THE [24] PAGE DOCUMENT DATED JULY 8, 2025.

THE APPELLANT-APPLICANT OBJECTS TO THE RESPONDENT'S ABSURD CLAIM THAT THE APPELLANT-APPLICANT HAS FAILED TO SHOW HOW THE DNA TESTING WILL CONSTITUTE NEW EVIDENCE THAT WILL PROBABLY CHANGE THE RESULT OF HIS CONVICTION AS REQUIRED BY SECTION 17-28-40(C)(7). WITH ALL DUE RESPECT, THE RESPONDENTS ASSERTIONS SOUND LIKE THE MADNESS COMING FROM DONALD TRUMP REGARDING THE EPSTEIN FILES. YOU CANNOT SAY YOUR NAME ISN'T ON THE EPSTEIN CONTACT LIST BY HIDING THE LIST. THE LIST MUST BE PRODUCE WHEN JUST CAUSE EXIST FOR ITS REVEALING. IN THE SAME VERNACULAR, YOU CANNOT SAY THAT NO CRIME EXIST OR PERJURY ON THE PART OF THE PATHOLOGIST, TO INCLUDE THESE STATE ACTORS CONSPIRING IN AIDING AND ABETTING IN OVER 24 COUNTS OF CRIMINAL SEXUAL CONDUCT WITH A MINOR, BY SIMPLY CONSPIRING TO PREVENT THE EVIDENCE FROM BEING REVEALED PURSUANT TO THE SEEKING OF THE REQUIRED DNA TESTING.

LET THE APPLICANT BREAK THIS THING DOWN ONE MORE TIME, PLACING IT ON SUCH AN INTELLECTUAL LEVEL THAT EVEN A CHILD WITH A LEARNING DISABILITY CAN UNDERSTAND FOR MR. PAULING. FOR THE RECORD. MR. PAULING PROFESSED THE EXPERTISE OF THE PATHOLOGIST IS ALWAYS SUFFICIENT? BY SAYING THIS, IS HE ASSERTING THAT NO TIME IN THE HISTORY OF JUDICIAL PROCEEDING IN THIS NATION HAS AN EXPERT PATHOLOGIST OR WITNESS TESTIFIED OR LIED UNDER OATH OR GAVE MISINFORMATION? SUCH A POSITION IS PREPOSTEROUS. THERE ARE ENTIRELY TOO MANY CASES WITHIN THIS NATION AND AROUND THE WORLD THAT HIGHLIGHT THE CONTRARY AND PROSECUTIONAL MISCONDUCT SUCH AS

THAT SEEN HERE, ESPECIALLY DURING THE TIME OF SLAVERY AND JIM CROW LAWS WITHIN THIS NATION. IOWA v. TYLER, IN THIS CASE, THE IOWA SUPREME COURT FOUND A FORENSIC PATHOLOGIST TESTIMONY REGARDING THE CAUSE AND MANNER OF DEATH TO BE INADMISSIBLE WHERE IF THE CHILD IS FOUND TO BE PREGNANT IN CONTRADICTION TO HIS TESTIMONY WOULD CALL INTO QUESTION THE INTEGRITY OF THE AUTOPSY ITSELF. THE ROBERT ROBINSON CASE, INVOLVING A FATHER ON DEATH ROW IN TEXAS FOR THE MURDER OF HIS CHILD HAS RAISED CONCERNS ABOUT UNRELIABLE, INACCURATE AND MISLEADING MEDICAL TESTIMONY. ALABAMA PATHOLOGIST GLENN'S CASE FROM 2007 HIGHLIGHTED PROBLEM OF FORMER PATHOLOGIST WHERE THE NOTES (ie. CORONOR'S NOTES SUPPRESSED IN THE SLED FILE 5501014) CONFLICTED WITH THE PATHOLOGIST FINDING IMPLICATING THE MISINFORMATION GIVEN BY THE PATHOLOGIST. THE APPLICANT IS NOT A NORMAL INMATE. THE APPLICANT WAS A PARAMEDIC IN THE MILITARY AND PRE-MED STUDENT IN COLLEGE WITH AN ABOVE NORMAL KNOWLEDGE OF CERTAIN MEDICAL REALITIES. THUS, THE APPLICANT, THOUGH NOT A MEDICAL DOCTOR, HAS ABOVE AVERAGE KNOWLEDGE REGARDING SUCH MATTERS AND IS CAPABLE, COMPETENT, TO TESTIFY WITHIN THE BOUNDARIES OF THAT PERSONAL KNOWLEDGE AND MEDICAL TRAINING UNDER A RULE 56 AFFIDAVIT AS INDICATED. THE CHILD AT THE AGE OF 11 WAS THE LARGEST WOMAN IN THE APPLICANT'S HOUSE AT 5'9", 180lbs. SHE WAS HAVING HER MONTHLY MENSTRUATIONS. IT WAS DISCOVERED THAT SHE WAS BEING SEXUALLY ASSAULTED BY HER HALF BROTHER MICHAEL LEE EVEN OCCURRING BEFORE THE AGE OF 11 YEARS OLD. YOU CANNOT GIVE CONSENT AT THE AGE OF 11 YEARS OLD. ONCE DISCOVERED, THEY WERE DISCIPLINED, NOT FOR THE PERJURED TESTIMONY THE SOLICITOR'S OFFICE OBTAINED TO ILLEGALLY ESTABLISH THE ELEMENTS FOR MURDER FOR A \$5 TELESCOPE WHICH ITSELF WOULD CALL FOR A NEW TRIAL, BUT WHERE THEY REFUSE TO CEASE AND DESIST THIS IMMORAL AND ILLEGAL BEHAVIOR WHICH IS ILLEGAL UNDER SOUTH CAROLINA LAW, OF CSC WITH A MINOR, INVOLVING OVER AT MINIMUM 24 DIFFERENT, COUNTS, OCCASIONS, THAT SHE CONFESSED TO, WHICH THE PATHOLOGIST CONSPIRING UNDER STATE LAW WITH THE 5TH. CIRCUIT SOLICITOR'S OFFICE EMPLOYEES, WORKED TO AID AND ABET HIM TO CONCEAL. THIS IS WHY MICHAEL LEE REMAINED UNPROSECUTED UNTIL THIS VERY DAY, CLEAR EVIDENCE THAT SUPPORTS THIS CLAIM, SINCE THERE IS NO STATUTE OF LIMITATION ON CSC WITH A MINOR. SHE WAS MISSING HER

MONTHLY CYCLE FOR 3 MONTHS. SHE HAD AN UNEXPLAINED SUBSTANTIAL WEIGHT LOSS OF ABOUT 30lbs. ABOUT TWO WEEKS PRIOR TO HER DEATH. UPON HER BLOOD BEING TAKEN AT HER DEATH IN THE HOSPITAL, IT WAS DISCOVERED THAT HER BLOOD SUGAR LEVELS WERE AT 17dm/ml DOWN FROM THE AVERAGE OF 70dm/ml SUGGESTING SEVERE HYPOGLYCEMIA WHERE IF THE BLOOD SUGAR DROP TO 50dm/ml IT CAN KILL YOU. AN ALLEGED PHYSICAL DISCIPLINE DO NOT TYPICALLY OR IS IT A DIRECT CAUSE THAT WOULD MAKE BLOOD SUGAR LEVELS DROP TO 17 DOWN FROM 70. IT MAY BE A CONTRIBUTING FACTOR. THE CORONER WENT OUT OF HIS WAY SEVERAL TIME TO SPECIFICALLY QUESTION US ABOUT WHETHER OR NOT THE CHILD HAD DIABETES AND THE STATE PREVENTED THAT DNA FROM BEING TESTED TO MICHAEL LEE SINCE 2001 EVEN THOUGH THE DNA ANALYST ASKED FOR THE STANDARD WHEN SOUTH CAROLINA LAW REQUIRED THAT IT BE TESTED. THE CORONER THEN SHOWS UP AT THE APPLICANT'S BOND HEARING IN KERSHAW COUNTY WHEN THE CHARGES WERE SUPPOSEDLY 2 COUNTS OF UNLAWFUL NEGLECT, WITH THE AUTOPSY COMPLETED AND IN HAND AND THEN TESTIFIES BEFORE THE BOND HEARING COURT THAT NO ALLEGED BEATING KILLED THE CHILD. AT MOST IT MAY HAVE BEEN A CONTRIBUTING FACTOR. WHEN THE TRANSCRIPTS WERE SOUGHT OBTAINED KERSHAW COUNTY CLAIMED THE BOND HEARING WAS NOT RECORDED. ALL OF THESE UNDENIABLE FACTS POINT TO THE APPELLANT-APPLICANT'S CLAIMS OF POTENTIAL PREGNANCY AND GESTATIONAL DIABETES SINCE THE CHILD WAS NOT DIAGNOSED WITH DIABETES PRIOR TO THESE EVENTS. EXPLAIN BEFORE THE COURT MR. PAULING WHY THAT DNA HAS NOT BEEN TESTED TO MICHAEL LEE IF WHAT THE APPLICANT IS NOT SAYING IS TRUE? LET'S LOGICALLY AND SCIENTIFICALLY WEIGH THIS EVIDENCE AND JURISDICTIONAL FACTS. DUE TO THEIR SEXUAL INVOLVEMENT IN VIOLATION OF SOUTH CAROLINA LAW, THEY WERE KEPT FROM EACH OTHER "LITERALLY" UNDER LOCK AND KEY FOR AT MINIMUM 3 MONTHS BECAUSE THEY WOULD NOT STOP THEIR CRIMINAL ACTIVITY. THEY WERE A DANGER TO THEMSELVES. WHAT PARENT WOULD NOT ACT TO HALT SUCH ILLEGAL ACTIVITY GOING ON UNDER THEIR ROOF? EVEN IF MICHAEL WAS HAVING SEX WITH HER WHICH WAS ILLEGAL SINCE SHE WAS 11 YEARS OLD, AND THIS IS NOT SOME STUPID PATERNITY TEST OR FISHING EXPEDITION, MALE SEMEN CANNOT EXIST WITHIN A WOMAN'S BODY FOR 3 MONTHS WHERE THEY WERE SEPARATED UNDER LOCK AND KEY TO PREVENT THEIR CONTINUED CRIMINALITY AND POTENTIAL DANGER TO EACH OTHER. THIS MEANS THAT IF THE DNA IS TESTED, AND MICHAEL'S DNA

SHOW UP IN THOSE SAMPLES. IT CANNOT POSSIBLY BE SEMEN (WHICH IS HAPLOID IN GENETIC TERMS), THAT WOULD BE SCIENTIFICALLY AND MEDICALLY IMPOSSIBLE BECAUSE MALE SEMEN CANNOT LAST IN A WOMAN'S BODY FOR 3 MONTHS DUE TO HER MONTHLY MENSTRUAL CYCLE WHICH FOR SOME MYSTERIOUS REASON THE AUTOPSY DOES NOT SAY WHY WAS MISSING. THEY WERE KEPT APART FOR THOSE LAST 3 MONTHS WHEN THEIR ACTIVITY WAS DISCOVERED. THEREFORE, IF THE DNA IS TESTED AND MICHAEL'S DNA SHOWS UP IN THE SAMPLES WHICH THEY CONSPIRED AFTER THE FACT IN OVER 24 CLASS "A" FELONIES OF CSC WITH A MINOR TO CONCEAL BY FAILING TO PROSECUTE AND TEST THE SAMPLES. THIS WOULD MEAN MEDICALLY, SCIENTIFICALLY, THAT THE DNA SAMPLES ARE WHAT IS CALLED "DIPLOID" (SPERM AND EGGS INDEPENDENTLY ARE NOT DIPLOID. THEY ARE HAPLOID MEANING ONE SET OF CHROMOSOMES AND ALLELS). MICHAEL'S SPERM WOULD BE HAPLOID. DNA BETWEEN MOTHER AND FATHER WOULD BE "DIPLOID" IN GENETIC TERMS. IF THE DNA SAMPLES WHEN TESTED ARE FOUND TO BE "DIPLOID" IN NATURE. THIS WOULD PRODUCE INDISPUTABLE SCIENTIFIC PROOF AND EVIDENCE THAT SHE WAS PREGNANT AND THE PATHOLOGIST UNDER OATH PERJURED HIMSELF. IF HE PERJURED HIMSELF ABOUT HER NOT BEING PREGNANT, THEN HE PERJURED HIMSELF ABOUT THE AUTOPSY ITSELF. THIS WOULD DESTROY THE CORPUS DELECTI FOR MURDER AND POTENTIALLY CAUSE FOR THE AUTOPSY AND ALL TESTIMONY RELATED TO IT TO BE INADMISSIBLE IN A NEW TRIAL. IT WOULD DESTROY THE CORPUS DELECTI FOR THE CRIME OF MURDER. THIS IS WHY THEY COULD NOT AND WOULD NOT TEST THE DNA EARLIER AND WHY THEY SUPPRESSED THE SLED INVESTIGATIVE FILE BECAUSE IN IT CONTAINED THE CORONOR'S NOTES INDICATING THE TRUE CAUSE OF DEATH AND WITH THE RESULTS OF THE DNA TESTING IF THE SAMPLES ARE FOUND TO BE "DIPLOID" IN GENETIC NATURE, THIS WOULD INVALIDATE THE AUTOPSY AND ALL TESTIMONY GIVEN RELATED TO IT CAUSING FOR A NEW TRIAL. ONCE THESE FACTS ARE PLACED BEFORE A TRIER OF FACTS, ANY JURIST WITH REASONABLE INTELLECT WOULD DETERMINE THAT THIS NEW INFORMATION WOULD POTENTIALLY CHANGE THE RESULTS OF THE CONVICTION, INDISPUTABLY MEETING THE STANDARD REQUIRED UNDER SECTION 17-28-40(C)(7). THUS, THE CLAIMS OF THE RESPONDENT ARE WITHOUT MERIT AND STAND IN BLATANT DEFIANCE TO THE DUE PROCESS RIGHTS SET IN PLACE BY THE APPLICABLE STATUTES AND THE SOUTH CAROLINA AND UNITED STATES CONSTITUTIONS PURSUANT TO DUE PROCESS, AND THE APPLICANT'S RIGHTS FOR DNA TESTING SUPPORTED BY

CONSISTENT JUDICIAL FINDINGS AND UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE. THIS IS THE SPECIFIC GOAL INTENDED BY THE DNA TESTING. IT IS TO DETERMINE WHETHER THE DNA SAMPLES CONTAIN "DIPOID" GENETIC MATERIAL WITHIN THEM AS OPPOSED TO THEY BEING "HAPOID" BY GENETIC DESIGN ONLY HAVING THE CHROMOSOMES AND ALLELES OF A SINGLE PERSON AS OPPOSE TO MATERIAL CREATED BY CONCEPTION BETWEEN MOTHER AND FATHER.

INASMUCH, THIS SUPPLEMENT, LIKE THE RESPONDENT'S INITIAL PLEADING STANDS IN BLATANT DEFIANCE TO THE DNA STATUTES THAT REQUIRED THAT THE RESPONDENT RESPOND WITHIN (90) DAYS, NOT GOING ON 5 YEARS WHERE THIS CURRENT RESPONSE STANDS IN VIOLATION OF THE APPLICABLE STATUTES GIVING WAY TO SUBTLE EXPANSION OR FORCED CONSTRUCTION OF THE STATUTES RELIED UPON. THERE WAS A MOTION FOR DEFAULT, FORFEITURE, WAIVER AND JUDGMENT FILED BEFORE THE LOWER COURT AT THE ONE YEAR MARK BASED UPON THE PROCEDURAL AND OR CLAIM PROCESSING RULE RELIED UPON THAT THE RESPONDENT EVEN IN HIS SUBSEQUENT PLEADING FAILED TO ADDRESS OR CHALLENGE WHICH THE U.S. SUPREME COURT DETERMINED IS MANDATORY WHETHER IT IS JURISDICTIONAL OR NOT IF IT IS TIMELY SOUGHT EXERCISED, WHICH IT WAS. THE HONORABLE SUPREME COURT INSTRUCTED THE RESPONDENT BY ITS LETTER DATED JULY 2., 2025 TO "SPECIFICALLY", "SPECIFICALLY" ADDRESS AND ANSWER THE QUESTIONS WHETHER THE SOLICITOR RESPONDED WITHIN THE LOWER COURT WHEN THE STATUTE REQUIRED HIM TO DO SO AND ANSWER THE QUESTION AS TO WHY THIS CASE REMAINED UNRESOLVED FOR OVER 4 YEARS AND COUNTING. NOTHING WITHIN THE RESPONDENT'S EVEN SUPPLEMENT FILING DEMONSTRATE THAT THE RESPONDENT WAS IN COMPLIANCE TO THE CLEAR INSTRUCTIONS GIVEN TO HIM BY THE HONORABLE SOUTH CAROLINA SUPREME COURT WHICH IS AS AN ACT OF CONTEMPT TOWARDS THE COURT'S INSTRUCTIONS EXTREMELY PREJUDICING THE APPELLANT IN THE RESPONDENT'S CONSPIRING UNDER COLOR OF STATE LAW TO DEPRIVE THE APPELLEE OF A FULL AND MEANINGFUL APPELLATE REVIEW, VIOLATING MY DUE PROCESS RIGHTS SERVING TO ALSO DENY THE APPELLANT THE EQUAL PROTECTION OF THE LAWS. THE U.S. SUPREME COURT UNDER BETTERMAN V. MONTANA, 578 U.S. 437, 136 S.Ct. 1609, 194 L.Ed.2d. 723(U.S.2016) DETERMINED THAT THE APPLICANT WOULD HAVE TAILORED RELIEF UNDER THE 5TH. AND 14TH. AMENDMENTS AND

HOLDING A CASE POST CONVICTION FOR 4 YEARS IS TO LONG, MAKING THOSE PROCEEDINGS UNCONSTITUTIONAL. IF IT IS UNCONSTITUTIONAL, IT IS VOID AND CANNOT BE A LEGAL MEANS FOR THE STATE TO MAINTAIN THE CONVICTION WHERE THIS UNCONSTITUTIONAL ACTION VOIDS THE LOWER COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE HONORABLE S.C. SUPREME COURT IN FUNDAMENTAL FAIRNESS TO THE APPLICANT CANNOT PERMIT THE STATE TO CONTINUE TO ADDRESS THESE MATTERS WITHIN A PROCEEDING THAT STANDS IN VIOLATION OF THE DNA STATUTE AND THAT HAS BECOME UNCONSTITUTIONAL. BEING VOID OF THE POWER TO DECLARE LAW, THEY CANNOT BE PERMITTED TO CONDUCT A HEARING THIS LATE IN THIS UPCOMING SEPTEMBER. THE APPLICANT OBJECTS. THIS WOULD SUBTLY EXPAND AND FORCE CONSTRUCT THE STATUTE IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE, WITHROW v. LARKIN, 421 U.S. 35, 95 S.Ct. 1456(U.S.1075); UNITED STATES v. LEVITIA, 2024 WL 1939131 (D.Mass.2024).

JURISDICTION REFERS TO THE COURT'S STATUTORY OR CONSTITUTIONAL POWER TO ADJUDICATE CASES. WITHOUT JURISDICTION, A COURT, THE LOWER COURT IN PARTICULAR, CANNOT PROCEED AT ALL WITH SOME HEARING SCHEDULED SEPTEMBER 2, 2025 IN CLEAR VIOLATION OF THE DNA STATUTES AND U.S. SUPREME COURT HOLDINGS UNDER BETTERMAN v. MONTANA, UNITED STATES v. WHEELER AND FORTBEND COUNTY, TEXAS v. DAVIS AS IS ARGUED WITHIN THE [24] PAGE PREVIOUS PLEADING DATED JULY 8, 2025 FILED BEFORE THIS COURT. 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-APPLICANT AND GRANT THE SOUGHT LEGAL NAME CHANGE BEFORE THE LOWER FAMILY COURT, HENSELY 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 FEDERAL LAW AS INDICATED AND ARTICULATED WITHIN THE [24] PAGE DOCUMENT DATED JULY 8, 2025 AND PRIOR PLEADINGS SUFFICE TO AVOID ANY SUMMARY DISMISSAL OF THE APPLICATION FOR FORENSIC DNA TESTING, SUCH AS THE EGREGIOUS DUE

PROCESS VIOLATIONS ARGUED, THE FRAUD UPON THE COURT, CONSPIRACY TO SOLICIT PERJURED TESTIMONY FROM THE VARIOUS WITNESS LIKE THE CHILD WAS DISCIPLINED OVER SOME \$5 TELESCOPE TO AID THEM ESTABLISH THE ELEMENTS FOR MURDER WHEN SHE WAS DISCIPLINED OVER THE CRIMINAL ACTIVITY THAT SHE AND HER BROTHER ENGAGED IN THAT PLACED HER LIFE IN DANGER POTENTIALLY RESULTING IN HER VERY DEATH. THIS IS NOT A FISHING EXPEDITION. THE FACTS AND CAUSE FOR THEIR SUPPRESSING OF EVIDENCE THAT WAS REQUIRED UNDER WEARRY v. CAIN 2016 REQUIRED THE RELEASE OF THIS DISCOVERY THAT WAS CLEARLY SOUGHT AT THE COMPETENCY HEARING, RECORDED ON TRANSCRIPT. THIS DON'T EVEN COUNT THE OTHER CONCERNS ARGUED WITHIN THESE PROCEEDINGS THAT MAKE THE LOWER COURT'S CASE A VIOLATION OF DUE PROCESS, UNCONSTITUTIONAL AND VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THIS CREATES AN INABILITY FOR THE KERSHAW GENERAL SESSIONS COURT TO CONDUCT ANY SUPPOSED SCHEDULED SEPTEMBER 2, 2025 HEARING PERMITTING THEM TO PROCEED AT ALL IN AN UNCONSTITUTIONAL AND VOID PROCEEDING. THE LAW IS CLEAR ON THIS ISSUE, 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 PROTECTIVE 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 POSSESS POWER BY CONSTITUTION 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 ASSERTING JURISDICTION TO HEAR THIS VOID AND UNCONSTITUTIONAL HEARING INITIATED BEFORE THE GENERAL SESSIONS COURT ON SEPTEMBER 2, 2025 WHERE THE PROCEEDING STANDS IN VIOLATION OF THE APPLICABLE STATUTES AND DUE PROCESS LAW). NO WHERE IN THE

RESPONDENT'S RESPONSES DO HE CHALLENGE THE JURISDICTIONAL CLAIMS MADE FURTHER ESTABLISHING THE APPELLANT-APPLICANT'S CLAIMS OF DEFAULT, FORFEITURE AND WAIVER. HE HAD FULL OPPORTUNITY BY HIS PLEADINGS AND SUPPLEMENT TO ADDRESS THESE JURISDICTIONAL FACTS BUT FAILED TO DO SO UNTIL THIS VERY DAY. THEY CANNOT BE PERMITTED TO HAVE SOME UNCONSTITUTIONAL AND VOID HEARING ON SEPTEMBER 2, 2025 WHERE THE PROCEEDINGS HAVE BECOME A VIOLATION OF DUE PROCESS, UNCONSTITUTIONAL AND VOID. THE APPELLANT OBJECTS, COPER BRIGHT ENTERPRISE v. RAIMONDO, 603 U.S. 369, 144 S.Ct. 2244 (U.S.2024); LOZMAN v. CITY OF RIVIERA BEACH, Fla., 133 S.Ct. 735(U.S.2013).

REFERRING BACK TO THE ISSUE OF THIS CRIMINAL ATTEMPT, TRYING TO HAVE THE APPLICATION FOR FORENSIC APPLICATION SUMMARILY DISMISSED OVER 4 YEAR LATE IN VIOLATION OF THE APPLICABLE STATUTES ATTEMPTING TO SUBTLY EXPAND OR FORCE CONSTRUCT THE STATUTE ALSO IN DEFIANCE OF BETTERMAN. THE SOUTH CAROLINA STATUTES ALLOWS DEFENDANT TO MOVE FOR POST CONVICTION DNA TESTING, REQUIRING STATE TO MAKE AVAILABLE TO APPLICANT THE COMPLETE FILES OF ALL LAW ENFORCEMENT INVOLVED IN INVESTIGATION (THE SLED INVESTIGATIVE FILE 5501014, THE GRAND JURY PANEL DOCUMENTS), AND REQUIRING COURT WHEN TESTING IS FAVORABLE TO DEFENDANT, LIKE IT IS IN THIS CASE, TO ENTER AN ORDER THAT SERVES INTEREST OF JUSTICE, AS WOULD BE PROPER BY THE APPLICANT'S RIGHTS OF DUE PROCESS, FOR A CONVICTED MURDER DEFENDANT TO ACCESS TO POLICE FILES OR OTHER RELEVANT FILES TO DEMONSTRATE HIS INNOCENCE USING NEWLY DISCOVERED DNA EVIDENCE; IT WOULD TRANSGRESS FUNDAMENTAL FAIRNESS IF THE RESPONDENT WOULD WILLFULLY IGNORE THE STATE CREATED PROCEDURES WHICH REQUIRE THE COURT ORDER TO PREVENT THE WITHHOLDING EVIDENCE (INCLUDING THE SLED INVESTIGATIVE FILE AND GRAND JURY PANEL DOCUMENTS) TO WHICH AN INMATE SEEKING POST CONVICTION RELIEF IS ENTITLED. STATE PRISONER INTEREST IN PROVING HIS INNOCENCE WITH NEW DNA EVIDENCE PROVIDE A LIBERTY INTEREST, AS REQUIRED TO RAISE A DUE PROCESS CHALLENGE TO STATE'S REFUSAL TO GIVE HIM ACCESS, IN POST CONVICTION RELIEF PROCEEDING, TO STATE'S EVIDENCE OF DNA TESTING. THE ISSUE IS WHETHER OR NOT THE NEW DISCOVERED DNA TESTING MAY PROVE THE ACTUAL INNOCENCE OF THE

PERSON SEEKING IT WHICH OF COURSE BY THE ARGUMENT PRESENTED THE TESTING WOULD, HOWARD v. CITY OF DURHAM, 68 F.4TH. 934 (4th.Cir.2023); DISTRICT ATTORNEY OFFICE OF THIRD JUDICIAL DISTRICT v. OSBORNE, 577 U.S. 52, 129 S.Ct. 2308(U.S.2009); GUTIERREZ v. SAENZ, 145 S.Ct. 2258, 2258+ (U.S.2025); REED v. GOERTZ, 143 S.Ct. 955; LaMAR v. EBERT, 681 Fed. Appx' 279(4th.Cir.2017).

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 A PERPETRATOR OR CAUSE OF THE DEATH WHICH INCLUDE THE RELEASING OF THE SUPPRESSED SLED INVESTIGATIVE FILE AND GRAND JURY PANEL DOCUMENTS. THE APPLICANT INVOKES RIGHTS OF COLLATERAL ESTOPPEL WHERE THIS PARTICULAR ISSUE OF MATERIAL FACT OF WHETHER THE SEEKING OF DNA TO INculpATE ANOTHER INDIVIDUAL OF THE CRIME IS COVERED AND TRIGGER THE INVOKING OF THE DNA STATUTE. COLLATERAL ESTOPPEL BARS RELITIGATION OF AN ISSUE DETERMINED IN AN EARLIER PROCEEDING WHEN; (1) THE ISSUE SOUGHT TO BE PRECLUDED IS IDENTICAL TO THE ONE PREVIOUSLY LITIGATED (ie SEEKING DNA FOR THE PURPOSE OF INculpATING ANOTHER PERSON SUCH AS MICHAEL LEE WHO POTENTIALLY CAUSE 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, 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).

IN FURTHER ADDRESSING THIS RECREANT, LAWLESS SOLICITOR WHO

IS ATTEMPTING TO ILLEGALLY IN EGREGIOUS ACTS OF FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW, TO CONDUCT AN DNA APPLICATION PROCESS IN THE HEARING SCHEDULED FOR SEPTEMBER 2, 2025 WITHIN A PROCEEDINGS THAT UNDENIABLY EXIST BEYOND THE MANDATES OF THE STATUTE, THE PROCEDURAL AND OR CLAIM PROCESSING RULE TIMELY INVOKED AND U.S. SUPREME COURT RULING UNDER BETTERMAN v. MONTANA, AN UNCONSTITUTIONAL HEARING WHERE HE IS SUBJECT TO DEFAULT, FORFEITURE AND WAIVER AND WHERE THE KERSHAW GENERAL SESSIONS COURT'S JURISDICTION IS VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION, VIOLATION OF THE SEPARATION OF POWERS AND EQUAL PROTECTION OF THE LAWS CLAUSES AND UNCONSTITUTIONAL ACTION. THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES AS THE ONES BEING ARGUED WITHIN THIS APPEAL AND THE LEGAL PLEADINGS THAT WERE SUBMITTED WITHIN THE LOWER COURT. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, LIKE CONDUCTING THIS UPCOMING ILLEGAL, UNCONSTITUTIONAL AND VOID HEARING ON SEPTEMBER 2, 2025, WHICH INCLUDE THE FRAUD DONE TO PROCURE IT. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDING, CONFIRMING THAT "FRAUD AND UNCONSTITUTIONAL ACTION VITIATES EVERYTHING THAT IT ENTERS". AN UNCONSTITUTIONAL LAW AND OR AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR ILLEGAL DNA APPLICATION PROCEEDING AND OR CONVICTION ATTACHED THERETO IS "VOID" AND IS AS IF THERE WERE NO LAW AND OR ACT AND OR JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR DNA APPLICATION PROCEEDING AND OR CONVICTION MADE OR DONE AT ALL, ALSO BEING STRUCTURAL CONSTITUTIONAL ERRORS NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE WHICH HAVE JURISDICTIONAL RAMIFICATIONS AS WELL. THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT SUCH AS CONDUCTING THIS UPCOMING ILLEGAL DNA APPLICATION HEARING SCHEDULED ON SEPTEMBER 2, 2025, AND OR CRIMINAL CONVICTION ATTACHED THERETO, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS "WHOLLY INVALID" AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE CONDUCTING A DNA APPLICATION PROCESS TO ADDRESS THE MERITS AND

ANY JUDICIAL DECISION ON THE MERITS DETERMINATION OR CONVICTION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATED FROM THE DATE IT WAS ENACTED AND OR WHEN IT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF HAS NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR LAW AND OR ACT LIKE THE CONDUCTING OF THE SCHEDULED DNA APPLICATION HEARING ON SEPTEMBER 2, 2025 IS "VOID", THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO CONDUCT THE SCHEDULED HEARING ON SEPTEMBER 2, 2025, DUTY TO MAINTAIN THE INJUSTICES ARGUED OR A CORRUPTED CONVICTION), CONFERS NO RIGHTS (THE SOLICITOR OR THE LOWER COURT DO NOT HAVE THE RIGHT TO VIOLATE THE PROVISIONS OF THE STATUTE OR CONDUCT A HEARING IN VIOLATION OF DUE PROCESS LAW AND SEPARATION OF POWERS CLAUSE BEYOND THE TIME SPECIFIED BY STATUTE TO MAINTAIN THE CONVICTION), CREATES NO OFFICE (JUDICIAL, PROSECUTIONAL OR OTHERWISE), BESTOWS NO POWER OR AUTHORITY "ON ANY PERSON" (EMPHASIS ADDED)[WHICH MEANS THAT THE LOWER COURT'S JURISDICTION POWER TO DECLARE LAW IS MADE VOID AS WELL AS ANY CONVICTION ATTACHED TO IT], AFFORD NO PROTECTION (THE COUNTY AND LOWER COURT AND PROSECUTORS ARE NOT IMMUNE IF THEY CONTINUE WITH THIS FARCE OF AN ILLEGAL HEARING SCHEDULED TO ADDRESS THE MERITS, OR IF THEY FAIL TO FIND MICHAEL LEE AND PROSECUTE THAT DEVIL FOR THE OVER 24 COUNTS OF CSC WITH A MINOR ON MY CHILD, VIOLATING THEIR OATHS OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTIONS IN ACTS OF OBSTRUCTION OF JUSTICE AND AIDING AND ABETTING), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (THIS ILLEGALLY SCHEDULE SEPTEMBER 2, 2025 HEARING TO ADDRESS MERITS YOU HAVE NO JURISDICTION TO DO IS NOT JUSTIFIED BY LAW)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE WHERE HERE IT IS COUPLED BY FRAUD UPON THE COURT AND VIOLATIONS OF THE APPLICABLE STATUTE WHICH SET IN PLACE SPECIFIC TIMELINES AND WHERE THE U.S. SUPREME COURT ADJUDICATED HOLDING A POST CONVICTION CASE FOR 4 YEARS OR MORE IS UNCONSTITUTIONAL, AND WHEN CLAIM PROCESSING RULES RIGHTS ARE TIMELY INVOKED THE RIGHT BECOMES MANDATORY. AN UNCONSTITUTIONAL LAW AND OR LEGISLATIVE STATUTE AND OR DNA APPLICATION HEARING SCHEDULED AND OR CONVICTION WHICH MUST BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, CANNOT

OPERATE TO SUPERSEDE AND EXISTING LAW LIKE DUE TO THE JURISDICTIONAL CHALLENGE THE GENERAL SESSIONS COURT CANNOT PROCEED AT ALL WITHOUT JURISDICTION AND THAT THERE IS NOTHING LEFT TO DO EXCEPT ANNOUNCE THIS AND DISMISS THE CAUSE OF CONVICTION AGAINST THE DEFENDANT (STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998)), OR BE PERMITTED TO DEPRIVE THE DEFENDANT OF LIBERTY. INDEED INsofar A CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT, LIKE THE SCHEDULED SEPTEMBER 2, 2025 HEARING SOUGHT TO ADDRESS THE MERITS, RUNS COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S. CONSTITUTION, THE DNA APPLICATION STATUTES, THE CLAIM PROCESSING RULES LEGAL ISSUES, THE BETTERMAN CASE, WEARRY v. CAIN, ADDRESSING THE CLAIMS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, AND OTHER LAWS ARGUED), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL LAW AND OR JUDICIAL DETERMINATION AND OR SCHEDULE DNA APPLICATION HEARING SET IN PLACE TO ADDRESS THE MERITS. A REVERSIBLE CONVICTION IS REVERSIBLE REGARDLESS OF THE REASON, WHICH INCLUDE THIS DNA PROCESS BECOMING UNCONSTITUTIONAL DUE TO THE SOLICITOR'S FAILURE TO TIMELY CHALLENGE AND OR PROSECUTE, FAILING TO ADHERE TO THE MANDATES OF THE STATUTE AND DUE PROCESS LAW, AND AN INVALID CONVICTION RELATED THERETO IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW AND OR IN THIS CASE, AN UNCONSTITUTIONAL DNA APPLICATION HEARING, IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE TO MAINTAIN THE CONVICTION OR IMPRISONMENT. ALL RULES, STATUTES, LAWS OR PRACTICES (LIKE YOU ATTEMPTING TO CONCEAL YOUR DEFAULT, FORFEITURE AND WAIVER BY SEEKING TO CONDUCT AN UNCONSTITUTIONAL HEARING ON SEPTEMBER 2, 2025), WHICH ARE REPUGNANT TO THE CONSTITUTION AND DUE PROCESS LAW ARE "NULL" AND "VOID", SWICEGOOD v. THOMPSON,--S.E.2d.--, 2021 WL 5227422 (S.C.App.2021); UNITED STATES v. LIBOUS, 858 F.3d. 63(2nd.Cir.2017); CITY OF LEBANON v. MILBURN, Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., ILL. APP. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cal.2017); UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619

(4th.Cir.2018); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016); MARTIN v. UNITED STATES, 2018 WL 1626578, * 2 D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 28 F.3d. 1123 CRIM. LAW 1163(1), 1165(1); ROBINSON v. ARVONIO, 27 F.3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES,--S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4064(U.S.2016); NELSON v. COLORADO, 137 S.Ct. 1249, 197 L.Ed.2d. 611, 85 U.S.L.W. 4205 (U.S.2017)(ADDRESSING THE PRESUMPTION OF INNOCENCE RELATED TO THE LANGUAGE WITHIN THE INDICTMENTS); GEFT OUTDOORS, LLC. v. CONSOLIDATION CITY OF INDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D.ILL.; HILL v. SNYDER, 821 F.3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423 (2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F.3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016).

THE UNITED STATES SUPREME COURT BY RECENT RULING HAS NOW MADE THE ISSUE OF SUBJECT MATTER JURISDICTION CLEAR AND UNAMBIGUOUS FOR ALL COURTS ON RECORD, BOTH STATE AND FEDERAL. THAT COURT DETERMINED:

"COURTS (BOTH STATE AND FEDERAL NO MATTER WHAT STATUTORY JURISDICTION IS GIVEN TO THEM) HAVE NO CONSTITUTIONAL AUTHORITY (JURISDICTION) TO PASS ON THE MERITS (WHICH INCLUDE THE CONDUCTING OF THE SCHEDULED SEPTEMBER 2, 2025 HEARING AND OTHER LEGAL ISSUES FILED WITHIN THE COURT SUBJECTING THE STATE TO DEFAULT, FORFEITURE AND WAIVER) OF A CASE BEYOND THEIR JURISDICTION (THE FRAUD, VIOLATIONS OF THE DNA STATUTES AND SEPARATION OF POWERS CLAUSE, VIOLATION OF THE PROCEDURAL AND OR CLAIM PROCESSING RULE TIMELY INVOKED AT THE ONE YEAR MARK, INORDINATE DELAY ETC. PLACES THE CASE AND CONVICTION BEYOND YOUR JURISDICTION TO MAINTAIN AND LEAVE IN PLACE THE CONVICTION OR HAVE A HEARING FOR THIS PURPOSE)---"TO DO SO IS, BY VERY DEFINITION, FOR THE KERSHAW COUNTY GENERAL SESSIONS COURT TO ACT

ULTRA VIRES", 523 U.S. 83, 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 ESSENTIAL INGREDIENT OF SEPARATION AND EQUILIBRATION OF POWERS, RESTRAINING THE COURTS FROM ACTING AT CERTAIN TIMES, AND EVEN RESTRAINING 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.C.D.1991); THE CITY OF OCALA, FLORIDA v. ROJAS, 598--U.S.--, 2023 WL 2357328 (U.S.2023)(CLARIFYING THE TWO ELEMENTS OF SUBJECT MATTER JURISDICTION); WILKINS v. UNITED STATES,--S.Ct.--, 2023 WL 2655449 (U.S.2023)(REGARDING PROCEDURAL AND OR CLAIM PROCESSING RULES AND THE VOIDING OF JURISDICTION); UNITED STATES v. BROWN,--F.4TH.--, 2023 WL 3214545 (4TH.Cir.2023)(REGARDING THE REQUIREMENT TO PLACE PROPER ELEMENTS WITHIN AN INDICTMENT AND VOIDING OF JURISDICTION); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016)(UNCONSTITUTIONAL ACTION WITHIN 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).

THIS PLEADING IS ALSO SUBMITTED AS A RULE 56 AFFIDAVIT IN OPPOSITION TO ANY INAPPROPRIATE SUMMARY DISMISSAL OF THE APPLICATION FOR FORENSIC DNA TESTING. GENUINE ISSUES OF MATERIAL FACT DO INDEED EXIST AS IS ARGUED IN THIS CASE INCLUDING CHALLENGE TO THE LOWER COURT'S JURISDICTION AS IS ARTICULATED WITHIN THE PLEADING AND THE APPLICANT IS ENTITLED TO RIGHTS OF COLLATERAL ESTOPPEL PURSUANT TO ISSUE PRECLUSION AS IT EMERGES FROM HOWARD v. CITY OF DURHAM, 68 F.4TH. 934 (4th.Cir.2023). AS IT RELATES TO THESE MATTERS BEFORE THE SOUTH CAROLINA SUPREME COURT WITHIN ITS ORIGINAL JURISDICTION, IT BECOMES EVIDENT THAT THESE MATTERS CANNOT BE ALLOWED TO CONTINUE WITHIN THE LOWER COURT BECAUSE THE APPLICANT WOULD BE SUBJECT TO EXTREME PREJUDICE WHERE THESE STATE ACTORS ARE ATTEMPTING TO ADJUDICATE THE MERITS

WHEN THE PROCEEDINGS HAVE BECOME UNCONSTITUTIONAL AND VOID TO ILLEGALLY EXTEND THEIR POWER OF JURISDICTION BY JUDICIAL DECREE IN VIOLATION OF ESTABLISHED LEGAL PRECEDENT. THE APPLICANT INVOKES HIS PERSONAL KNOWLEDGE AS A FORMER MILITARY PARAMEDIC AND PRE-MED STUDENT WHO ATTENDED RUTGERS UNIVERSITY IN NEW JERSEY AND FRANCIS MARION~~UN~~ UNIVERSITY HERE IN SOUTH CAROLINA HAVING ABOVE AVERAGE KNOWLEDGE ON THE SUBJECT SUBMITTING STATEMENT WITHIN THOSE BOUNDARIES, AS WELL AS THE FATHER OF THE ALLEGED VICTIM HAVING PERSONAL KNOWLEDGE OF EVENTS WITHIN THE HOME WHICH INCLUDE THE EVENTS THAT LED UP TO THE INCIDENT AND OR DEATH, AND THE SUPPRESSING OF EVIDENCE IN THE FORM OF THE SLED FILE, AND THEY OBTAINING A FRAUD PROCURED INDICTMENT THE VERY DAY OF TRIAL WHEN NO GRAND JURY MET ON THAT DAY, AND THEY FAILING TO PROSECUTE MICHAEL LEE FOR THE OVER 24 COUNTS OF CRIMINAL SEXUAL CONDUCT WITH A MINOR WHEN THERE IS NO STATUTE OF LIMITATIONS ON THIS OFFENSE FOR THE PURPOSE OF SOLICITING PERJURED TESTIMONY AT THE APPLICANT'S TRIAL CLAIMING DISCIPLINE OCCURRED OVER A \$5 TELESCOPE TO AID THE STATE ESTABLISH THE ELEMENTS FOR MURDER (A WICKED AND DEPRAVED MIND), WHEN DISCIPLINE OCCURRED OVER THEIR CONSTANT ENGAGING IN CLASS "A" FELONIES OF CSC WITH A MINOR WHICH THE 5TH. CIRCUIT SOLICITOR'S OFFICE IN ACTS OF OBSTRUCTION OF JUSTICE AND AIDING AND ABETTING AFTER THE FACT FAILED TO PROSECUTE, FACTS THAT WOULD BE ADMISSIBLE INTO EVIDENCE, AND THE AFFIANT IS COMPETENT TO TESTIFY ON THE PRESENTED MATTERS AS THUS STATED AND IS NOT ENGAGING IN ANY POTENTIALLY ALLEGED OR INAPPROPRIATE LABEL OF A "FISHING EXPEDITION". THE EXISTENCE OF THIS SUPPRESSED EVIDENCE AND SLED FILES ARE CLEARLY DOCUMENTED OVER THE YEARS WITHIN VARIOUS ACTIONS SOUGHT TO OBTAIN THIS EVIDENCE GOING ON THE CLEAR RECORD CONSISTENTLY OVER THE YEARS. FURTHER DISCOVERY AND RELEASE OF THE DNA, SLED FILE AND GRAND JURY PANEL DOCUMENTS IS REQUIRED BY DUE PROCESS LAW, INCLUDING THE VACATING OF THE CONVICTION AND SENTENCE, EXPUNGMENT OF MY RECORD AND SOUGHT NAME CHANGE TO ALLOW ME TO START A CLEAN SLATE AND NEW LIFE AFTER THIS MANIFEST INJUSTICE THAT IS TANTAMOUNT TO HATE CRIME. SUMMARY DISMISSAL IS A DRASTIC REMEDY AND "MUST NOT BE GRANTED UNTIL THE OPPOSING PARTY HAS HAD FULL OPPORTUNITY TO COMPLETE DISCOVERY (THE DNA TESTING, SLED FILES AND PANEL DOCUMENTS), NONETHELESS, THE NON MOVING PARTY MUST DEMONSTRATE

THAT LIKELIHOOD OF FURTHER DISCOVERY WILL UNCOVER ADDITIONAL FACTS, INFORMATION OR EVIDENCE, AND THAT THE PARTY IS NOT MERELY ENGAGING IN A FISHING EXPEDITION WHICH BY THE JURISDICTIONAL FACTS STATED, INCLUDING RIGHTS OF COLLATERAL ESTOPPEL PURSUANT TO ISSUE PRECLUSION, THE APPLICANT HAS MET THAT BURDEN, SNIPES v. CITY OF BELTON, 2025 WL 1250469, * 2, (S.C.App.2025); HENRY v. MEDICAL UNIVERSITY OF SOUTH CAROLINA, 2024 WL 4836814, * 1+ (S.C.App.2024); DAWKINS v. FIELDS, 354 S.C. 58, 580 S.E.2d. 433 (S.C.App.2003). THE APPLICANT CONSISTENTLY TRIED TO GET THIS DNA EVIDENCE SINCE 2006 ONLY TO BE SUBJECT TO EGREGIOUS ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE AS INDICATED BY THE FILING OF CASES 2006-CP-400-3567, 3568, 3569; 2013-CP-400-0084, 2294 AND EVEN BEFORE THE S.C. SUPREME COURT WITHIN IS 2020 CASE DEMONSTRATING DUE DILIGENCE AND A PERSISTED EFFORT TO NAVIGATE THE CONTINUED MANIFEST INJUSTICES THAT OCCURRED WARRANTING THE RELEASE OF THIS EVIDENCE NOW WITHIN THIS APPLICATION FOR FORENSIC DNA TESTING. DISMISSAL OF THIS ACTION WOULD BE AN ABUSE OF DISCRETION AND HIGHLY INAPPROPRIATE UNDER THESE CIRCUMSTANCES UNTIL THIS EVIDENCE SOUGHT IS RELEASED FOR THE SAKE OF "JUSTICE AND FAIRNESS", MATTER OF ESTATE OF SMITH, 419 S.C. 111, 796 S.E.2d. 158 (S.C.App.2016). I WANT THAT DEVIL EX-STEPSON OF MINE, MICHAEL LEE FOUND AND PROSECUTED IMMEDIATELY MR. PAULING III AND MR GIBSON FOR OVER 24 COUNTS OF CRIMINAL SEXUAL CONDUCT 1st. DEGREE WITH A MINOR. CONTACT ME DIRECTLY TO OBTAIN THE DATES. THESE CLASS "A" FELONIES OCCURRED WITHIN BOTH RICHLAND AND KERSHAW COUNTIES. I AM GIVING YOU BOTH JUDICIAL NOTICE ON THE COURT RECORD OF THESE CRIMES THAT THE 5TH. CIRCUIT SOLICITOR'S OFFICE IN ACTS OF OBSTRUCTION OF JUSTICE AND AIDING AND ABETTING AFTER THE FACT FAILED TO PROSECUTE. HE MAY BE IN THE MILITARY. CHECK HIS HIGH SCHOOL RECORDS AND FAMILY CONTACTS FOR HIS SOCIAL SECURITY NUMBER AND COMMENCE WITH AN EXHAUSTIVE SEARCH. YOU ARE GIVEN NOTICE MR. PAULING AND MR. GIBSON. IT'S BEEN OVER 25 YEARS OF OBSTRUCTION OF JUSTICE. DON'T TALK ABOUT, BE ABOUT IT GENTLEMEN FOR THE SAKE OF "JUSTICE AND FAIRNESS".

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY AFFIRM UNDER PENALTY OF PERJURY, THAT THE

FOREGOING IS TRUE AND CORRECT AND DECLARE THAT I AM COMPETE TO
TESTIFY TO ALL MATTERS PRESENTED AS THUS STATED.

Frederick
AFFIANT

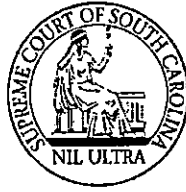
SWORN AND OR AFFIRMED BEFORE ME THIS 24 DAY OF

July 20 25

Sandra Outlaw
NOTARY PUBLIC

MY COMMISSION EXPIRES 2/28/34





The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

July 02, 2025

Curtis Anthony Pauling, III
1121 Broad Street
Camden SC 29020

Re: Lawrence Crawford v. State of South Carolina
Appellate Case No. 2025-000812

Dear Counsel:

This will acknowledge receipt of your response to the Applicant's request for an extraordinary writ in this Court's original jurisdiction. Within ten days of this letter, please file a supplemental response clarifying (1) the current status of the case that is still pending below, (2) whether the solicitor's office has filed a response to the application in the circuit court, and (3) why the case has remained pending for four years. Please also provide proof that you have served your supplemental return on Mr. Crawford.

Very truly yours,

Patricia A. Howard

CLERK

cc: Lawrence Crawford
H. Thomas Morgan, Jr.

THE COURT OF GENERAL SESSIONS
THE 5TH. JUDICIAL CIRCUIT

CASE NO. 2004-GS-28-0385
APPLICATION FOR FORENSIC DNA
TESTING

AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

RESPONDENT

RESPECTFULLY,
JONAH THE TISHBITE

1-Of-4

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AUG 04 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
THE COUNTY OF KERSHAW

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

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA

RESPONDENT

) THE COURT OF GENERAL SESSIONS
) THE 5TH. JUDICIAL CIRCUIT
)

)
) CASE NO. 2004-GS-28-0385
) APPLICATION FOR FORENSIC DNA
) TESTING
)

) AFFIDAVIT OF FACTS GIVING
) JUDICIAL NOTICE; MOTION TO
) CHALLENGE THE KERSHAW COUNTY
) GENERAL SESSIONS COURT'S
) JURISDICTION TO HOLD A MERITS
) HEARING ON SEPTEMBER 2, 2025
) DUE TO VIOLATIONS OF THE
) SEPARATION OF POWERS CLAUSE
) AND UNCONSTITUTIONAL ACTION
) AND MOTION TO MOTION THEREFOR

TO: THE KERSHAW COUNTY GENERAL SESSIONS COURT,
SOLICITO CURTIS A PAULING III ET. AL.,

HERE THE KERSHAW GENERAL SESSIONS COURT AND ALL PARTIES
WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF SERVICE AND DOCUMENT
ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO
FILE OBJECTIONS TO THE RESPONDENT'S RESPONSE; MOTION TO STRIKE
THE RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF
THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE OR
EXCUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR", [24] PAGES
DATED JULY8, 2025 THAT IS CURRENTLY FILED WITHIN THE SOUTH
CAROLINA SUPREME COURT UNDER CASE 2025-00812 CURRENTLY PENDING
BEFORE THAT COURT.

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AUG 04 2025

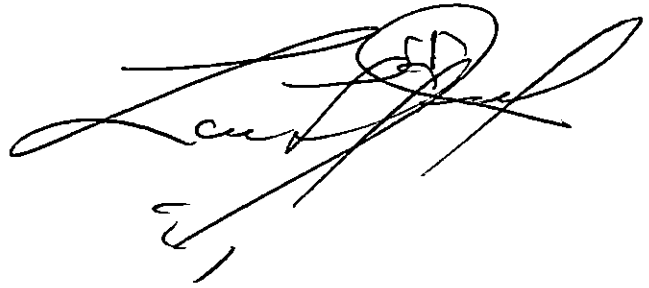
S.C. SUPREME COURT

(2) A COPY OF THE DOCUMENT ENTITLED, "RULE 56 AFFIDAVIT SUBMITTED IN OPPOSITION TO MOTION FOR SUMMARY DISMISSAL OF APPLICATION FOR FORENSIC DNA TESTING; MOTION TO FILE OBJECTIONS TO ANY EFFORT TO THE ATTEMPTS AT SUMMARY DISMISSAL RENEWING THE PREVIOUS FILED MOTION TO FILE OBJECTIONS IN OPPOSITION TO THE RESPONDENT'S RESPONSE DUE TO IT BEING UNTIMELY SUBMITTED IN VIOLATION OF THE STATUTE WHERE THE RESPONDENT FAILED TO ESTABLISH CAUSE OR EXCUSE FOR THE DELAY AND MOTION TO MOTION THEREFOR, [24] PAGED DATED JULY 8, 2025", THIS DOCUMENT BEING [23] PAGES DATED NOTARIZED ON JULY 24, 2025.

INSOMUCH, IT IS BY THESE ATTACHED AND SUBMITTED PLEADING THAT THE APPLICANT-PETITIONER CHALLENGES THE KERSHAW COUNTY GENERAL SESSIONS COURT'S JURISDICTION TO CONDUCT ANY MERITS HEARING WHATSOEVER THAT IS SCHEDULED FOR SEPTEMBER 2, 2025 REGARDING THESE MATTERS. THE STATE OF SOUTH CAROLINA VIA ITS APPOINTED SOLICITOR IS IN DEFAULT, FORFEITURE AND WAIVER. THE DNA STATUTE REQUIRED THE RESPONDENT'S RESPONSE WITHIN (90) DAYS, NOT COMING CLOSE TO 5 YEARS. THE KERSHAW GENERAL SESSIONS COURT CANNOT SUBTLY EXPAND OR FORCE CONSTRUCT THE PLAIN LANGUAGE OF THE STATUTE. YOUR JURISDICTION IS MADE VOID DUE TO VIOLATIONS OF THE APPLICABLE DNA STATUTES, THE CLAIM AND OR PROCEDURAL PROCESSING RULE THAT WAS TIMELY INVOKED AT THE ONE YEAR MARK OF THESE PROCEEDING SUPPORTED BY UNITED STATES v. WHEELER, FORTBEND COUNTY, TEXAS v. DAVIS AND PURSUANT TO U.S. SUPREME COURT HOLDINGS UNDER BETTERMAN v. MONTANA AS IS ARGUED IN THE ATTACHED DOCUMENTS NOW FILED BEFORE THIS COURT. THE GENERAL SESSIONS COURT CANNOT LEGALLY CONDUCT A MERITS HEARING WITHIN A PROCEEDINGS THAT HAS BECOME UNCONSTITUTIONAL AND VOID PLACING THESE MATTERS BEYOND THE COURT'S JURISDICTION TO LEAVE IN PLACE THE CONVICTION. I OBJECT. THE ONLY THING LEFT FOR THE GENERAL SESSIONS COURT TO DO, IS ANNOUNCE THESE FACTS AND DISMISS THE CAUSE OF CONVICTION AGAINST THE PETITIONER, WHICH THE PETITIONER-APPLICANT MOTIONS FOR. THE COURT CANNOT LEGALLY EXPAND JURISDICTION THAT THE COURT NO LONGER HAVE BY JUDICIAL DECREE. SEE TWO ATTACHED DOCUMENTS SUBMITTED IN SUPPORT OF THIS POSITION. ORDER TO EXPUNGE THE

APPLICANT'S CRIMINAL RECORD AND NAME CHANGE IS ALSO SOUGHT IN
FUNDAMENTAL FAIRNESS TO THE APPLICANT.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, appearing to read 'Jonah The Tishbite', with a large, stylized flourish at the end.

JULY 28, 2025

EXHIBIT, "CRAWFORD NO. 3".

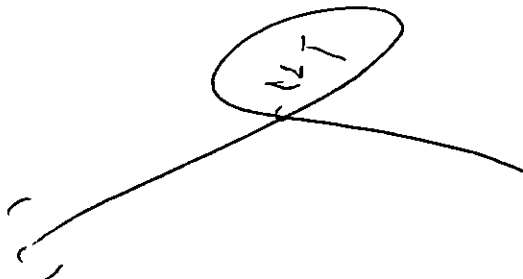
LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

IN RE: CASE(S) 2025-000812 IN THE S.C. SUPREME COURT AND CASE
2004-GS-28-00385 IN THE KERSHAW COUNTY COURT OF GENERAL SESSIONS

TO: THE S.C. SUPREME COURT,
THE KERSHAW COUNTY COURT OF GENERAL SESSIONS,

ATTACHED YOU WILL FIND A COPY OF A DOCUMENT SOUGHT FILED
TO ENSURE THAT THE DNA TESTING IS DONE BY AN INDEPENDENT OUTSIDE
SOURCE. PLEASE FILE IN THE APPROPRIATE CASE WITHIN YOUR COURT.
THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, consisting of a large, stylized 'J' with a horizontal line extending to the right and a small circle at the top right containing the letters 'NT'.

AUGUST 5, 2025

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AUG 11 2025

S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

CASE DOCKET NO. 2025-000812

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

CASE NO. 2004-GS-28-000385
APPLICATION FOR FORENSIC DNA TESTING

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

APPELLANTS-PETITIONERS

VS.

THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW ET. AL.,

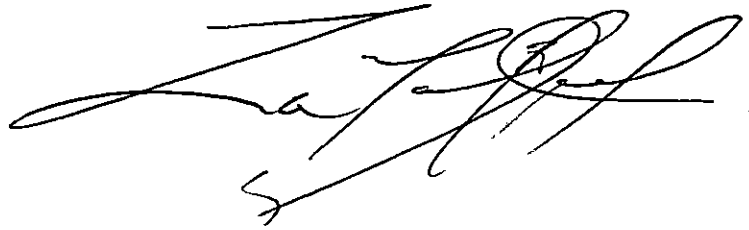
RESPONDENT(S)

AFFIDAVIT OF SERVICE

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO DISQUALIFY SLED AND THE STATE OF SOUTH CAROLINA ENTITIES FROM

CONDUCTING THE DNA ANALYSIS SEEKING TO HAVE IT DONE BY AN
INDEPENDENT SOURCE AND OR ENTITY DUE TO CONFLICT OF INTEREST AND
MOTION TO MOTION THEREFOR, ON THE SOUTH CAROLINA SUPREME COURT,
THE KERSHAW COUNTY GENERAL SESSIONS COURT AND ALL INVOLVED
PARTIES BY U.S. MAIL, POSTAGE PREPAID, BY PLACING IT IN THE
INSTITUTION MAILBOX ON AUGUST 5, 2025.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, appearing to read 'Jonah The Tishbite', with a stylized flourish at the end.

AUGUST 5, 2025

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CASE DOCKET NO. 2025-000812

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S.C. SUPREME COURT

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

CASE NO. 2004-GS-28-000385
APPLICATION FOR FORENSIC DNA TESTING

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

APPELLANTS-PETITIONERS

VS.

THE STATE OF SOUTH CAROLINA, THE COUNTY OF KERSHAW ET. AL.,

RESPONDENT(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION
TO DISQUALIFY SLED AND THE STATE OF SOUTH CAROLINA ENTITIES
FROM CONDUCTING THE DNA ANALYSIS SEEKING TO HAVE IT DONE
BY AN INDEPENDENT SOURCE AND OR ENTITY DUE TO CONFLICT
OF INTEREST AND MOTION TO MOTION THEREFOR

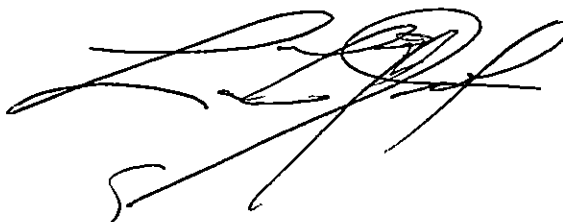
TO: THE SOUTH CAROLINA SUPREME COURT,

THE KERSHAW COUNTY COURT OF GENERAL SESSIONS,
SOLICITOR CURTIS ANTHONY PAULING III ET. AL.,

FROM THE JURISDICTIONAL FACTS ASSERTED THAT ARE ATTACHED TO THE SEEKING OF THIS FORENSIC DNA TESTING, SUCH AS SLED ITSELF BEING IMPLICATED IN THE AIDING OF CONCEALING AND SUPPRESSING OF THE EVIDENCE OF ACTUAL INNOCENCE WHERE THE SLED FILE IN QUESTION WAS ACTUALLY SOUGHT FROM THEM IN WRITING ONLY FOR THEM TO CONSPIRE UNDER COLOR OF STATE LAW TO AID THE 5TH. CIRCUIT SOLICITOR'S OFFICE IN THE CONTINUED SUPPRESSING AND CONCEALING OF THIS ESSENTIAL, MATERIAL INFORMATION. THE APPLICANT-PETITIONER MOTIONS TO DISQUALIFY SLED AND ANY ENTITY WITHIN THE STATE OF SOUTH CAROLINA FROM CONDUCTING THE REQUIRED FORENSIC DNA TESTING. IF THE CONSPIRING STATE ACTORS HAD THE AUDACITY TO POTENTIALLY COMPROMISE AN ACTUAL AUTOPSY BEHIND RELIGIOUS AND RACIAL ANIMUS, HAVING OVERWHELMING INFLUENCE WITHIN THE STATE OF SOUTH CAROLINA INVOLVING THESE SPECIFIC AGENCIES THAT WOULD BE THE ONES TO CONDUCT THE FORENSIC DNA TESTING. THE POSSIBILITY OF COMPROMISING OR INAPPROPRIATELY INFLUENCING THESE SOUTH CAROLINA AGENCIES THAT WOULD POTENTIALLY CONDUCT THE REQUIRED DNA FORENSIC TESTING IS TO GREAT. TO SECURE THE ACCURACY AND INTEGRITY OF THE REQUIRED FORENSIC DNA TESTING, THE PETITIONER MOTIONS TO DISQUALIFY THE STATE OF SOUTH CAROLINA AND ITS AGENCIES WITHIN FROM CONDUCTING THE REQUIRED DNA TESTING AND SEEK THAT THE COURTS INVOLVED ISSUE AN ORDER FOR THE FORENSIC DNA TESTING TO BE DONE BY AN OUT OF STATE INDEPENDENT SOURCE AND OR ENTITY. THE PETITIONER SEEK THAT THE COURT(S) ORDER THAT THE FORENSIC DNA TESTING BE DONE BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE CRIME LABORATORY IN RALEIGH NORTH CAROLINA WHO ALSO HAVE REGIONAL LABS IN EDNEYVILLE AND GREENBORO. THEY SPECIALIZE IN SUCH MATTERS FOR LAW ENFORCEMENT WITHIN THAT NEAR BY STATE. THEIR ADDRESS IS 114 WEST EDENTON STREET, RALEIGH, N.C. 27603. ANOTHER OPTION WOULD BE PTC LABORATORIES LOCATED AT 300 PORTLAND STREET SUITE 300 COLUMBIA, MISSOURI 65201, PHONE NUMBER (573) 442-9948. THE INTEGRITY OF THE TESTING MUST BE ENSURE DUE TO THE EXCEPTIONAL CIRCUMSTANCES THAT SURROUND THIS CASE. THE PETITIONER MOTIONS TO DISQUALIFY THE STATE OF SOUTH CAROLINA FOR THESE REASONS AND SEEK THAT THE

TESTING BE DONE BY AN INDEPENDENT OUTSIDE ENTITY.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, appearing to be 'J. Tishbite', with a large, stylized flourish at the end.

AUGUST 5, 2025

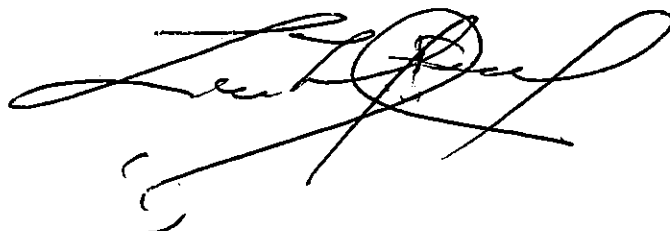
EXHIBIT, "CRAWFORD NO. 4".

THE STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS	
THE COUNTY OF KERSHAW	)	THE 5TH. JUDICIAL CIRCUIT	6
	)		
LAWRENCE L. CRAWFORD AKA	)		
JONAH GABRIEL JAHJAH T.	)	CASE NO. 2004-GS-28-0385	
TISHBITE,	)		
PETITIONER	)		
	)		
	)		
	)		
	)		
	)		
Vs.	)		
	)	AFFIDAVIT OF SERVICE	
	)		
	)		
THE STATE OF SOUTH CAROLINA;	)		
THE COUNTY OF KERSHAW ET. AL.,	)		
	)		
RESPONDENT	)		
	)		
	)		
	)		

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF A RULE 56 AFFIDAVIT FILED IN OPPOSITION OF SUMMARY DISMISSAL; MOTION TO RENEW THE PREVIOUS FILED AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO CHALLENGE THE KERSHAW COUNTY GENERAL SESSIONS COURT'S JURISDICTION TO HOLD A MERITS HEARING ON SEPTEMBER 2, 2025 DUE TO VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE AND UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR, (4) PAGES DATED JULY 28, 2025; NOTICE OF PENDENT JURISDICTION UNDER § 1983; MOTION TO ESTABLISH RIGHTS UNDER THE F.S.I.A., ON THE KERSHAW COUNTY COURT OF GENERAL SESSIONS, MR. PAULING III AND ALL OTHER INVOLVED PARTIES, BY U.S. MAIL. POSTAGE PREPAID, BY DEPOSITING IT WITH ITS ATTACHMENTS IN THE INSTITUTION MAILBOX ON

AUGUST 26, 2025.

RESPECTFULLY,
JONAH THE TISHBITE

A handwritten signature in black ink, appearing to read 'Jonah the Tishbite', with a large, stylized flourish at the end.

AUGUST 26, 2025

THE STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS
THE COUNTY OF KERSHAW	)	THE 5TH. JUDICIAL CIRCUIT
	)	
LAWRENCE L. CRAWFORD AKA	)	
JONAH GABRIEL JAHJAH T.	)	CASE NO. 2004-GS-28-0385
TISHBITE,	)	
PETITIONER	)	RULE 56 AFFIDAVIT FILED IN
	)	OPPOSITION OF SUMMARY DISMISS-
	)	SAL; MOTION TO RENEW THE PRE-
	)	VIOUS FILED AFFIDAVIT OF FACTS
	)	GIVING JUDICIAL NOTICE;; MO-
	)	TION TO CHALLENGE THE KERSHAW
Vs.	)	COUNTY GENERAL SESSIONS COURT
	)	JURISDICTION TO HOLD A MERITS
	)	HEARING ON SEPTEMBER 2, 2025
	)	DUE TO VIOLATIONS OF THE SEP-
THE STATE OF SOUTH CAROLINA;	)	ARATION OF POWERS CLAUSE AND
THE COUNTY OF KERSHAW ET. AL.,	)	UNCONSTITUTIONAL ACTION AND
	)	MOTION TO MOTION THEREFOR, (4)
RESPONDENT	)	DATED JULY 28, 2025; NOTICE OF
	)	PENDENT JURISDICTION UNDER
	)	§ 1983; MOTION TO ESTABLISH
	)	RIGHTS UNDER THE F.S.I.A.
TO: THE KERSHAW COUNTY COURT OF GENERAL SESSIONS ET. AL.,		

THE APPLICANT GIVES THE KERSHAW COUNTY COURT OF GENERAL SESSIONS, MR CURTIS PAULLING III AND MR GIPSON OF THE 5TH. CIRCUIT SOLICITOR'S OFFICE JUDICIAL NOTICE OF THE APPLICANT'S INTENT TO ESTABLISH JURISDICTIONAL FACTS TO GUARANTEE PROTECTIONS PURSUANT TO RIGHTS UNDER THE FOREIGN SOVEREIGN IMMUNITY ACT BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS GIVING THE COURT JUDICIAL NOTICE THAT THESE MATTERS ARE ALSO BEING HEARD UNDER CASE 9:24-cv-04660-BHH-MHC ET. AL. UNDER § 1983 TO SECURE THAT DNA THAT KERSHAW COUNTY IS CONSPIRING UNDER COLOR OF STATE LAW, CONSPIRACY AND OBSTRUCTION OF JUSTICE BE RELEASE AND REVEAL TO PREVENT THE CONCEALING OF THE CRIMINAL ACTIVITY INVOLVING THIS MATTER, FINE v. COMMISSIONER OF CORRECTIONS, 81 A.3d. 1209 (Conn.2013); PARROTT v. GOVERNMENT OF VIRGIN ISLANDS, 230 F.3d. 615 (3rd.Cir.2000); OBANDO-SEGURA v. GARLAND, 999 F.3d.

190(4th.Cir.2021); WOODFOR v. NGO, 548 U.S. 81, 126 S.Ct. 2378, 165 L.Ed.2d. 368 (U.S.2006). THE MONETARY RELIEF SOUGHT UNDER § 1983 AND THE F.S.I.A. PURSUANT TO PUNITIVE DAMAGES AGAINST RICHLAND AND KERSHAW COUNTIES FOR FAILING TO PROSECUTE MICHAEL LEE FOR THE OVER 24 COUNTS OF CRIMINAL SEXUAL CONDUCT WITH A MINOR AGAINST MY MINOR CHILD TO SOLICIT PERJURED TESTIMONY FROM HIM IS SET A \$3.5 BILLION FOR EACH COUNTY WHICH LED TO THE KIDNAPPING AND ILLEGAL SEIZURE OF A FOREIGN SOVEREIGN KING, KHALIFAH AND HIGH PRIEST OF THE ONE TRUE GOD BEHIND RELIGIOUS AND RACIAL HATRED IN VIOLATION OF THE CIVIL RIGHTS ACT AND FOREIGN SOVEREIGN IMMUNITY ACT. I WANT THAT DEVIL EX-STEPSON OF MINE FOUND MR. PAULING III AND MR GIPSON. COPY OF THIS DOCUMENT IS SERVED UPON YOU. FAILURE TO RELEASE THAT DNA AND OTHER EVIDENCE OF ACTUAL INNOCENCE SHALL RESULT IN EVENTUAL CRIMINAL CHARGES BEING LEVIED AGAINST YOU FOR AIDING AND ABETTING AFTER THE FACT IN OVER 24 COUNTS OF CRIMINAL SEXUAL CONDUCT WITH A MINOR AND ASSESSORY AFTER THE FACT TO MURDER BECAUSE IT WILL TURN OUT THAT HIS SEXUAL ASSAULT OF HER IS WHAT POTENTIALLY KILLED HER AND YOU DEVILS IN THIS STATE HELP COVER IT UP BEHIND RELIGIOUS AND RACIAL HATRED!!! YOU DEVILS IN THESE COUNTIES AIDED HIM TO ELUDE PROSECUTION BY FAILING TO TEST THAT DNA TO HIM. FIND HIM NOW!!! GENTLEMEN, (MR. PAULING III AND MR. GIPSON) OR THE PUNITIVE DAMAGES SHALL INCREASE AGAINST YOU AND YOUR COUNTIES EXPONENTIALLY.

HERE THE COURT AND PARTIES WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF SERVICE AND DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS TO THE MAGISTRATE JUDGE'S TEXT ORDER VACATING THE COMPLAINT CHALLENGING THE OHIO DISTRICT COURT'S JURISDICTION TO ISSUE IT DUE TO FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION; MOTION TO EXCEED THE PAGE LIMIT AND FOR ACCEPTANCE; NOTICE SEEKING LEAVE TO APPEAL; NOTICE OF SEEKING PRELIMINARY INJUNCTION FROM THE 6TH. CIRCUIT AND MOTION TO MOTION THEREFOR", [70] PAGES DATED OCTOBER 1, 2024.

(2) A COPY OF THE AFFIDAVIT OF SERVICE AND DOCUMENT

ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS TO THE MAGISTRATE'S ORDER: RULES FOR DOCUMENTS SUBMITTED IN THE CASE DOCUMENT # 40; MOTION TO VACATE IT DUE TO FRAUD UPON THE COURT, CONSPIRACY, VIOLATIONS OF 18 U.S.C. § 1001; VIOLATION OF THE SEPARATION OF POWERS CLAUSE AND UNCONSTITUTIONAL ACTION; MOTION TO CHALLENGE THE COURT'S JURISDICTION TO ISSUE IT; MOTION TO RENEW THE MOTION FOR RECUSAL AND MOTION TO MOTION THEREFOR", [40] PAGES DATED NOVEMBER 22, 2024.

(3) A COPY OF THE AFFIDAVIT OF SERVICE AND DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO AMEND THE NOTICE OF APPEAL TO SEEK CHANGE OF VENUE; MOTION FOR ACCEPTANCE AND MOTION TO MOTION THEREFOR", [40] PAGES DATED MARCH 14, 2025.

(4) A COPY OF THE AFFIDAVIT OF SERVICE AND DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO DISQUALIFY SLED AND THE STATE OF SOUTH CAROLINA ENTITLES FROM CONDUCTING THE DNA ANALYSIS SEEKING TO HAVE IT DONE BY AN INDEPENDENT SOURCE AND OR ENTITY DUE TO CONFLICT OF INTEREST AND MOTION TO MOTION THEREFOR", [5] PAGES DATED AUGUST 5, 2025.

THE PETITIONER GIVES THE KERSHAW COUNTY COURT OF GENERAL SESSIONS AND ALL INVOLVED COURTS JUDICIAL NOTICE. THE STATE OF SOUTH CAROLINA BROUGHT THE APPLICANT'S RELIGIOUS BELIEFS UP AT TRIAL FOR THE SAKE OF ESTABLISHING LAW IN VIOLATION OF PROTECTIONS ESTABLISHED BY THE U.S. CONSTITUTION 1st. AMENDMENT WHEN THESE RELIGIOUS BELIEFS HAD ABSOLUTELY NOTHING TO DO WITH THE OFFENSE FOR WHICH THE APPLICANT WAS CHARGED, TO TAINT THE MINDS OF THE JURORS TO THE EXTREME PREJUDICE TO THE APPLICANT, CLAIMING BY THAT TESTIMONY THAT THE APPLICANT "WAS A PROPHET TRYING TO SAVE THE WORLD" TO MAKE THE APPLICANT APPEAR THAT HE WAS A RELIGIOUS FANATIC OR TWO CANS SHORT OF A SIX PACK WHICH HAS BEEN DISPROVEN BY PSYCHOLOGICAL EXAMINATION OF 7 DIFFERENT FORENSIC PSYCHOLOGIST. THESE DOCUMENTS NOW SUBMITTED BEFORE THE KERSHAW COUNTY GENERAL SESSIONS COURT AND FILED WITHIN AND BEFORE THE FEDERAL COURTS INVOLVED IS WHY THOSE CLAIMS WERE INAPPROPRIATELY, IN AN ABUSE OF DISCRETION, ALLOWED TO BE ENTERED

INTO THE COURT RECORD. BY THIS LITIGATION PRESENTED PENDING WITHIN 7 DISTRICT COURTS AROUND THE NATION, WITHIN THE 6TH. CIRCUIT COURT OF APPEALS, THE 11th. CIRCUIT COURT OF APPEALS AND THE 4th. CIRCUIT COURT OF APPEALS, THE APPLICANT IS THE FIDUCIARY HEIR, KING, KHALIFAH, IMAM, NAZARITE HIGH PRIEST AND LAWGIVER OF THE ONE TRUE GOD, A MEMBER OF THE SOLE CORPORATION AND FOREIGN SOVEREIGN CROWN ESTABLISHED BY "CONTRACT", BY "COVENANT", OF THE 3 MONOTHEISTIC RELIGIONS, PROTECTED UNDER ARTICLE 1 § 10 OF THE U.S. CONSTITUTION, BY THE "CONTRACT" CLAUSE OF THE FOREIGN SOVEREIGN IMMUNITY ACT, BY THE 1st. AMENDMENT FREE EXERCISE CLAUSE AS WELL AS BY STATE AND FEDERAL PROBATE LAW. THIS IS THE THE HEART OF THE MATTER AND IMPETUS, THE SOURCE OF THEIR MOTIVE AND CLAIM OF THE STATE ACTORS WITHIN THE STATE OF SOUTH CAROLINA FRAMING THE APPLICANT BEHIND RELIGIOUS AND RACIAL HATRED. SINCE THIS MATTER WAS BROUGHT UP AT THE APPLICANT'S TRIAL THESE DOCUMENTS ARE RELEVANT AND ADMISSIBLE SUBMITTED IN SUPPORT OF SEEKING THE FORENSIC DNA TESTING THAT WAS UNCONSTITUTIONALLY DENIED THE APPLICANT AND OR INAPPROPRIATELY DELAYED THE APPLICANT FROM RECEIVING SINCE 2006, AND FOR WHICH IN ACTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE WAS DONE REQUIRING THAT THE DNA TESTING BE CONDUCTED FORTHWITH. GENERALLY, THE CHILDREN OF FOREIGN MONARCHS TAKEN BY FORCE DURING THE TRANS-ATLANTIC SLAVE TRADE, ETHIOPIAN KINGS WITH DIRECT TIES TO THE THRONE OF ISRAEL THROUGH KINGS DAVID AND SOLOMON, WHO ALSO IN THIS INSTANCE, HAVE DIRECT TIES TO THE ISLAMIC KHALIFATE, OR THEIR STOLEN OFFSPRING, WOULD NOT BE CONSIDERED U.S. CITIZENS BY BIRTHRIGHT DUE TO THE "SUBJECT TO THE JURISDICTION THEREOF" CLAUSE OF THE 14th. AMENDMENT. FOREIGN MONARCHS AND THEIR FAMILY STOLEN, KIDNAPPED BY FORCE THROUGH THE TRANS-ATLANTIC SLAVE TRADE TYPICALLY ENJOY SOVEREIGN IMMUNITY, SIMILAR TO DIPLOMATIC IMMUNITY, WHICH MEANS THEY ARE NOT SUBJECT TO THE JURISDICTION OF THE UNITED STATES IN THE SAME WAY AS OTHER INDIVIDUALS, ACCORDING TO THE LEGAL ANALYSIS IN UNITED STATES v. WONG KIM ARK (1898) AND THE AMERICAN IMMIGRATION COUNSEL. CRAWFORD IS THE DIRECT DESCENDANT OF THE EARTH'S GREATEST PROPHETS AND KINGS, HIS ANCESTORS WERE NOT NORMAL SLAVES TAKEN BY FORCE AND ACTS OF KIDNAPPING IN VIOLATION OF THE STATE SPONSORED TERRORISM PROVISION OF THE FOREIGN SOVEREIGN IMMUNITY ACT. THIS IS SUPPORTED BY "CONTRACT", BY

"COVENANT" PROTECTED UNDER ARTICLE 1 § 10 OF THE U.S. CONSTITUTION, THE 1st. AMENDMENT AND STARE AND FEDERAL PROBATE LAW AS ARGUED IN THE CASE. THE EXCEPTION TO THE BIRTHRIGHT CITIZENSHIP FOR CHILDREN OF FOREIGN DIPLOMATS OR FOREIGN SOVEREIGN KINGS IS ROOTED IN THE COMMON LAW, ALSO CARVING EXCEPTION TO THE TURKIYE RULING, WHICH ALSO RECOGNIZED THE DISTINCT STATUS OF FOREIGN SOVEREIGNS. TO BE A CITIZEN BY BIRTHRIGHT, A PERSON MUST OWE "FULL" ALLEGIANCE TO THE UNITED STATES AND NO OTHER COUNTRY. THE APPLICANT'S ALLEGIANCE IS TO THE THRONE OF ISRAEL AND THE CHRISTIAN, MUSLIM JEWISH STATE BY DECREE OF THE ONE TRUE GOD AS RELIGIOUS PROPHECY FORETOLD VIA THE "KING OF THE NORTH" WRITTEN IN THE BOOK OF DANIEL CHAPTER 11 AND OTHER PASSAGES WITHIN THE CONTRACT, COVENANT ARGUED WITHIN THE DOCUMENTS. BY THE "CONTRACT", "COVENANT" OF THE SOLE CORPORATION AND FOREIGN SOVEREIGN CROWN, THE ONE TRUE GOD'S HOLY KINGS, KHALIFAHS AND HIGH PRIESTS, THE APPLICANT'S ALLEGIANCE IS TO THE THRONE OF ISRAEL AND THE KINGDOM OF IRON MIXED WITH MIRY CLAY FORETOLD IN THE BOOK OF DANIEL CHAPTER 2:41-44. EVEN IF THE MONARCH OR CHILDREN RELATED THERETO WERE MISTAKINGLY GIVEN U.S. CITIZENSHIP, RENOUNCING IT MAY FOLLOW THE SAME PROCESS OF ANY OTHER U.S. CITIZEN. HOWEVER, THE FOUNDATIONAL ARGUMENT IS THAT SUCH A CHILD WOULD NOT LIKELY BE A CITIZEN TO BEGIN WITH DEMONSTRATING THAT THE REQUIREMENT TO RENOUNCE CITIZENSHIP AT A U.S. EMBASSY WITHIN A FOREIGN NATION AND THE APPLICABLE PAPERWORK WOULD NOT BE REQUIRED. WHAT ADDITIONAL PROCESS WOULD BE REQUIRED TO RENOUNCE A CITIZENSHIP THAT DID NOT LEGALLY EXIST UNDER THE 14th. AMENDMENT IN THE FIRST PLACE? IT IS BY THESE DOCUMENTS THAT THE APPLICANT BEFORE THE KERSHAW COUNTY COURT OF GENERAL SESSIONS INVOKES ALL RIGHTS, TITLES, PRIVILEGES AND IMMUNITIES ESTABLISHED BY THE FOREIGN SOVEREIGN IMMUNITY ACT. THE APPLICANT MOTIONS TO DISQUALIFY SLED AND ANY SOUTH CAROLINA ENTITY IN CONDUCTING THE REQUIRED FORENSIC DNA ANALYSIS DUE TO CONFLICT OF INTEREST WHERE THEY TOOK A DIRECT PART AND HAND IN THE INJUSTICES ARGUED BEFORE ALL COURTS INVOLVED.

THE APPLICANT FILED A DOCUMENT WITHIN THESE PROCEEDINGS ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO

65-of-70

7-of-8

CHALLENGE THE KERSHAW COUNTY GENERAL SESSIONS COURT'S JURISDICTION TO HOLD A MERITS HEARING ON SEPTEMBER 2, 2025 DUE TO VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE AND UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR", [4] PAGES DATED JULY 28, 2025 ALONG WITH THE ATTACHMENTS REFERRED TO THEREIN. THIS PLEADING IS FILED TO MAKE THAT PREVIOUS PLEADING MORE DEFINITE AND CERTAIN ALONG WITH THE ATTACHMENTS THAT WERE SUBMITTED WITHIN THIS DOCUMENT ALONG WITH THOSE PREVIOUS MENTIONED ARE FILED AS A RULE 56 AFFIDAVIT BEFORE THE KERSHAW COUNTY GENERAL SESSIONS COURT, NOT JUST BEFORE THE SOUTH CAROLINA SUPREME COURT BASED UPON THOSE PREVIOUS DOCUMENTS REFERRED TO. THE APPLICANT DECLARES UNDER PENALTY OF PERJURY THAT THIS DOCUMENT AND THOSE REFERRED TO ARE TRUE AND CORRECT AND THE APPLICANT IS COMPETENT TO TESTIFY TO THE VERITY OF THE FACTS HAVING PERSONAL KNOWLEDGE TO THE JURISDICTIONAL FACTS AS ILLUSTRATED BY THE DOCUMENTS NOW SUBMITTED WITHIN THIS CASE. RIGHTS AND IMMUNITIES UNDER INTERNATIONAL LAW ARE ALSO INVOKED.

RESPECTFULLY,

JONAH THE TISHBITE



SWORN AND OR AFFIRMED BEFORE ME THIS 25th DAY OF

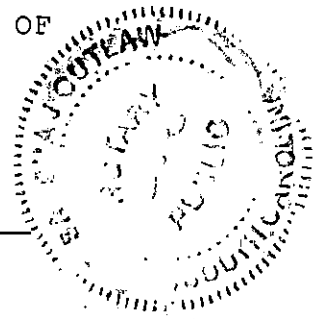
August 2025

Sandra Outlaw

NOTARY PUBLIC

MY COMMISSION EXPIRES

2/28/34



EXHIBIT, "CONSTITUTIONAL STRUCTURAL ERROR"

(1) Did the trial court err, and was the appellant's 5th., 6th., 13th., 14th. 15th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his Due Process rights violated, regarding the indictment(s) as constructed, by the language or charge contained therein, which did create and or form conclusive presumption(s), that took away the appellant's presumption of innocence, and automatically shift the burden of persuasion to the defendant, in regard to the crucial elements of dispute?

The appellant humbly contends, it is well established by the U.S. Constitution, the 5th., 6th., 14th. amendment(s), and The Bill Of Rights, that when an individual is brought before a court of jurisprudence upon accusation, that the individual alleged thereupon, is innocent, until proven by a jury of his peers, guilty of aforesaid accusation being brought before the court. This is the defendant's most basic, and most fundamental right by Federal and State laws pertaining to Due Process. Because the indictment(s) possess a structural constitutional error and or defect, in that the language and or charge contained therein, in constructed to produce conclusive presumption(s), that immediately shift the burden of persuasion to the defendant in regards to the crucial elements of the offense(s), the indictment(s) and or complaint documents violate Due Process as well as the 13th. and 15th. amendments.

The appellant did not object to this defect and or error at the time he gave his guilty plea, and or before he went to trial, but the defect and or error serve to render the indictment wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments And Information § 299(1986); State v. Munn, 357 S.E.2d. 461(S.C.1987).

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss

v. Aetna Life Ins. Co., 228 S.E.2d. 108; State v. Broad River Power Co., 177 S.C. 240, 180 S.E. 41; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings (Black Law Dictionary 8th. Edition).

By what is cited in Sandstrom v. Montana, 442 U.S. 510 at 520, 99 S.Ct. (2450) at 2457 (61 L.Ed.2d. 39)(1979), under (4) criminal law [west key] 324. The Supreme Court was unequivocal and unambiguous when it stated [v]erbatim:

"Conclusive presumptions conflict with the overriding presumption of innocence which the law endows the accused and which extends to every element of the crime charged, and they invade the fact-finding function which in a criminal case the law assigns the jury, Morisette supra, at 275, 72 S.Ct. at 255 and United States Gypsum Co. supra., at 446, 98 S.Ct. at 2878. The indictment and complaint documents around the nation, with the exception of the few states that corrected this problem, require the jury, if satisfied as to the facts that trigger the presumption to find intent unless the defendant offers evidence to the contrary. The indictments and complaints around the nation, by their structural constitutional error and or defect, language and or charge, mislead the jury, and we can add the defendant, to believe the presumption was not limited to requiring the defendant to satisfy the burden of production, when the burden of production is to be consistently bored by the state. A presumption although not conclusive, that has the effect of shifting the burden of persuasion would suffer the same similar infirmities", Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508(1975), even if its embodied within the charge of an indictment or criminal complaint.

To state by use of an indictment or criminal complaint within the (50) states that an individual "did" with intent, knowingly, malice, aforethought, and other such elements imply conclusive firsthand knowledge of the events pertaining to the accusation being brought before the court. To such knowledge the Grand Jury who swore to such indictments, "[c]annot" by all scientific reason and jurisprudence ascertain as being true under such circumstances, especially without a trial. It is universally recognized that every oath [o]ught and [m]ust be founded upon "[c]ertain [k]nowledge", meaning knowledge that is certain beyond a reasonable doubt as being true (OMNE SACREMENTUM DEBET ESSE DE CERTA SCIENTIA). Inasmuch, the reality of this matter is that the issues in question, embodied in said indictments are allegations, they are accusations, not proven facts. So how could they be sworn by indictment as being true? Several other states have corrected this injustice. The State of South Carolina is one of the remaining states who have not. It is the command of the U.S. Constitution that anything, to include any and all legislation, whether it be by statute, indictment or otherwise, that is contrary to its inherent, intrinsic and explicit presuppositions "[s]hall [n]ot [s]tand", and therefore should be abolished and or rendered [v]oid (Article IV § 2 U.S. Const.).

"THE STATE MUST PROVE", I repeat, "THE STATE MUST PROVE", not the defendant, every single element that is charged, and that is crucial to the offense. It is not to be given to them in any way. They "[m]ust" first prove it before it can ever be declared. Every single time an indictment is sworn where it states clearly without ambiguity a defendant "did", etc., it immediately with destructive results tear down the commonwealth's constitutional Due Process right of being innocent until proven guilty, and automatically shift the burden of persuasion to the individual or commonwealth charged. It gives the false unconstitutional premise and or presumption that such has already been proven by a jury of one's peers, or even more specific, without a trial by a jury of one's peers in violation of Due Process Law. To have such unconstitutional presumption(s)



embodied within indictments and or criminal complaints that rely on such language is constitutionally infirm.

The appellant avers, in Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508, the court found as a violation of Due Process and Winship, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d. 323(1970), an indictment that [p]resumed that a defendant acted with "[m]alice and [a]forethought", if it were found that the homicide was intentional and unlawful, the defendant then bore the burden of disproving the elements. Similar in Sandstrom, the jury was instructed in determining whether or not the defendant had the [p]rerequisite intent to commit murder [t]he law presumes that the person intended the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on that element. The language and or charge in the indictment(s) do the same thing, taking away the presumption of innocence, and by what is written predetermine in advance the outcome of the proceedings and presumes that a person intends the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on the elements crucial to the offense. What if the person was forced to commit the crime at gunpoint? Or was the victim of brainwashing by the induction of some chemically based mind controlling drug, and under such control he committed the crime? Or it simply was an accident depending upon the crime charged? These are just a few reasons why such wording is impermissible, Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923).

Once the courts of South Carolina, New Jersey and the remaining (48) states constructed an indictment or criminal complaint contrary to the laws of Due Process, the Attorney for the appellant telling the appellant that he is innocent until proven guilty, or the Judge giving a curative instruction to the appellant and or jury of the defendant being innocent until proven guilty, or stating that the state or federal government has the ultimate burden and must prove every element, being given to the appellant and or jury, or stating the indictment or criminal complaint is not evidence to the appellant or jury,

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does "[n]ot" cure the Due Process problem created and presented by the structural constitutional error, defect and or charge in the indictment(s) and Complaint(s).

Constitutional Law [west key] 266(7), in situation where elements of offense and "so-called" "affirmative defense", pose same ultimate issue of shifting the burden of persuasion, the Due Process problem is "[n]ot" eliminated by including an instruction in a charge that the state has the ultimate burden of proving every element beyond a reasonable doubt, and we can add to this, stating the indictments or criminal complaints are not evidence by the courts. The teaching of these cases is that "[a]ny" presumption, even if its not conclusive, even if its embodied within the charge of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant on any element of the crime charged violates Due Process, (U.S.C.A. Const. Amend. 14) Humanik v. Beyers, 811 F2d. 432(3rd.Cir.1989).

Such is a substantive disadvantage and not merely procedural disadvantage to the defendant related to his rights of Due Process. If the indictments and or criminal complaints around the nation, by their defect contained therein, require that the defendant prove he did not possess the "MENS REA" on any element pertaining to the alleged crime at trial and or before a guilty plea, 421 U.S. at 684, 95 S.Ct. at 1888, it becomes obvious that the burden of proof is shifted.

The Court recognized by requiring the defendant to prove the critical elements of said dispute, ID at 710, 95 S.Ct. at 1890, the Maine Rule, as do the nation's indictments and criminal complaints, affirmatively shift the burden of proof to the defendant(s), thus creating a further likelihood of an erroneous conviction and or guilty plea, due to the shifting of the burden of persuasion to prove one's innocence, as implied by the language and or charge in the indictment(s) and criminal complaint(s), ID at 421 U.S. at 701, 95 S.Ct. at 1890. Such serve

to negate certain facts of the crime which the government is to prove to the jury in order to convict the defendant of a crime charged, 432 U.S. at 207, 97 S.Ct. at 2325. The Winship Rule is clear in which the defendant creates a reasonable doubt on any element of the offense(s) charged is entitled to an acquittal.

In such a situation the relevance of the subsidiary facts in this case are the same and the sole significance of the defendant's evidence and or testimony concerning the "so-called" "affirmative defense", is to create a reasonable doubt on the existence of an element of the offense, by the preponderance of evidence to counteract an unconstitutional presumption.

As stated in United States v. Clemens, 843 F2d. 741, 752(3rd.Cir.1988):

"Justly put, merely labeling something as "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", does not mean that such constructed contrary to the laws of Due Process are constitutional. It must appear that the aforementioned, as related thereto, do [n]ot [n]egate any element of the crime, and we can add to this, shift the burden of persuasion, as the indictments and or criminal complaints of this nation do", ID W. Lafave & Scott Substantive Criminal Law § 1.8 at 75(1986). see generally Sandstrom v. Montana supra. A defendant may be required to bear the burden of persuasion with respect to defenses such as showing justification or excuse, but not with respect to those that negate guilt by canceling out the existence of some required element of the crime, nor should his presumption of innocence be deprived, W. Lafave & Scott supra. at 71, 75. Accordingly, accessing the constitutionality of an "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", etc., of any kind related thereto, **even by terms of that which the statute requires, is defined in terms of fact so central to the nature of the offense that in effect, the prosecution has been freed of the burden of establishing**



each constituent element of the crime charged. If the indictments and criminal complaints around the nation already predetermine in advance of any proceeding that you "did" with malice, aforethought, intentionally, willfully, etc., the state has been relieved of proving it, see ID at 2.13 at 233. Also see Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923). By the structural constitutional error and or defect, its already given and no longer by the charge and or defect, have to be established. In order to contribute some significant burden, a rational trial juror's only option, and we can add, the defendant's only option, is to conclude that the indictments or criminal complaints are true, or are to be considered as true, because the language and or charge reflects such in depriving one of the presumption of innocence. It is clear from Martin v. Ohio, 480 U.S. 228, 107 S.Ct. 1098, 94 L.Ed.2d. 267(1987) and Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923), that this is constitutionally impermissible.

Perhaps the 50 states of this nation would contend, that such is merely the conveying of information from witnesses 1, 2, 3 or more possibly, and upon this testimony such an oath is based. Even if one would adopt this premise still the indictments and criminal complaints of this nation "[c]annot" be deemed as that which is founded upon "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENTIA), but it is founded upon the basis of hearsay and or secondhand knowledge. Notwithstanding, it has been recorded throughout history since the earliest stages of civilization that people do bear false witness in groups and in numbers depending upon their motivation. For example, you have an unjust King and Queen, Ahab and Jezebel, coercing several people to lie in a covert plot to steal the land of a righteous man in I Kings chapter 21. In the Book of Micah, a man's closest members of his household bear false witness against a Prophet Of God. In Christianity you have officials who were in power, Saducees, Scribes and Pharisees, incite and pay groups of people in the Gospel(s) Of Matthew, Mark, Luke and John to bear false witness against the Messiah. In Islamic Prophecy the Prophet Muhammad(PBUH), in Sahih Al Bakhari Vol.

9 Hadith No. 7086, prophesied how in these times there will hardly be a trustworthy person left in the world. The Spanish Inquisition of 1478 and The English Inquisition of 1518 found people unjustly burned at the stake and or hanged, due to unjust accusations by people in numbers for false claims of heresy. Adolph Hitler, and a group of people called "Nazis", brought numerous unjust claims against the Jews, falsely rooted in lies, in the holocaust of the 1930's. The Salem Witch Trials in the 17th. century, in Massachussett, found numerous men, women and children, burnt at the stake for false claims of practicing witchcraft, brought by groups of people in numbers ("The witch bitches as they were called). The Ku Klux Klan, throughout the South, brought unjust accusation against the innocent Post Civil War Era, and in the 1930's through 1960's. Judaism, Christianity, Islam, American History, European History, World History, "[a]ll" are filled with unspeakable atrocities originating in lies, perpetrated by people in numbers and in groups against the innocent. Our constitutional forefathers in their wisdom and jurisprudence saw this repeated pattern that like a poisonous, venomous snake, rose its head from the soils of society to fatally bite the commonwealth. and in their wisdom they set up "[b]ulwarks", "[b]arriers" of protection for the American citizenry, all who are held by us, all who enter our borders or territories, that under no circumstance, outside of an individual committing an act of treason, were to be torn down, because people in groups and in numbers do bring false accusation against the innocent.

Referring back to the third situation here as illustrated by State v. Breakiron, 108 N.J. 591, 532 A.2d. 199(1987) and State v. Zola, 112 N.J. 384, 548 A.2d. 1022(1988), in inferring the state of mind element, whether the prerequisite intent and or purpose was present at the time of the crime. The Grand Jury, in the form of the indictments and or criminal complaints around the nation, "[c]annot" say what was in a person's mind, nor do they have first hand knowledge of the facts related to the incident charged. They do not have "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENCTIA). Thus, again the



very language and or structural constitutional error and or defect, and or charge of the indictment(s) and criminal complaints around the nation predetermine in advance before trial or plea an individual is guilty of the state of mind element(s) and forces a defendant, due to the shifting of the burden of persuasion, to prove his innocence by the preponderance of evidence and or testimony in violation of Due Process Law. This creates an instant double jeopardy issue showing that this is not a harmless error, Moore v. Dempsey supra.; State v. Gordon, 588 S.E.2d. 105, 356 S.C. 143(S.C.2003); State v. Perry, 595 S.E.2d. 883, 358 S.C. 633(S.C.2004).

In regard to a charge, and we can add to this, a charge in an indictment or criminal complaint, that constitutes a constitutionally impermissible charge/instruction, or contradicts the presumption of being innocent until proven guilty, even with a later instruction "BOILERPLATE" of being innocent until proven guilty by the courts or stating that the indictments or criminal complaints are not evidence by the courts, the [problem is [n]ot [c]ured where there exist a reasonable likelihood that the jurors, and we can add in this case, that the defendant, may have considered the charge, and we can add to this, the charge in the indictments or criminal complaints around the nation as conveying an unconstitutional message in both state and federal prosecutions, Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d. 344(1983).

Such presumptions intrinsically and explicitly established snatch the blind fold off of "LADY JUSTICE" herself, and now, not only is she no longer impartial, unbiased or fair; but now she says because its you, because its this particular crime or alleged action as opposed to another, because you are charged in this particular state as opposed to another, because you fall under this particular statute as opposed to another, you are no longer innocent until proven guilty and your constitutional rights are hereby revoked. Such presumptions destroy

the very metal of the shield of protection placed around the American citizenry, those who are held by us, and those who enter our borders or territories, and abolishes the very core integrity of the Due Process Clause our constitutional forefathers have died and shed their best blood to establish and preserve. The greater aspect of evil related to such action by the criminal complaints and or indictments around the entire nation, far and extremely outweigh the greater aspect of good that it sought to establish related thereto. If we as responsible citizens of the commonwealth allow individuals who are placed in positions of legislative authority, whether it be at town, city, state or federal level, whether it be intentional or unintentional, to initiate or place into effect legislation by statute or any other means, that deteriorate the very pillars of that which our Constitution was founded upon, then we no longer establish ourselves as a true democracy, where the good of the many outweigh the good of the few. We step more into the realm of monarchy, and set ourselves on a path of Constitutional destruction detrimental to the commonwealth that can only lead to anarchy creating the similarities that manifested themselves in the aforementioned Nazi Occupation, Salem Witch Trials, The Spanish Inquisition and the like. Where trials and criminal proceedings became an arbitrary action, an abusive and recreant process, fraudulently designed to rob the commonwealth of their God given liberty. This we cannot do!!! It is our courts, our Supreme Courts, and our Federal District Courts' inherent responsibility as guardians of the faith and integrity of our system of jurisprudence to protect the commonwealth from such a dark demise. The Presuppositions set forth by our constitutional forefathers "E PLURIBUS UNUM", were one nation, under God, indivisible, with liberty and justice "FOR ALL", "FOR ALL", and was not to be taken away simply because an individual fell victim to accusation, or fell under a particular statute of law as compared to another, or was charged in one particular state as opposed to another. The only exception to this sacred standard and trust was to be if an individual committed acts of High Treason against our government itself, which in some particularity is what the indictments and criminal complaint documents

around the entire nation reflect, because they innately swear allegiance to that which sets itself at war, enmity and variance to the constitutional rights of all citizens of the commonwealth and all others who are subject to them. Therefore, they are a form of treason. The indictments and criminal complaints around the entire nation betray our Constitution. Hencetofore they "[m]ust" be abolished and or reformed. They are intense espionage and diabolical sabotage and stands at war with the rights of this nation's commonwealth in violation of Due Process. They covertly with corrosive results steal away stealthly the fundamental truths by which the Constitution was founded upon and throw a monkey wrench into the mechanical works of justice and fairness by detonating explosive results that detrimentally tear down the bulwarks that were forthrightly established to protect the commonwealth against unjust prosecution. By the defect, language and or charge contained within the indictments and criminal complaint documents around the entire nation you have already surmised and ascertained without the total weight of evidence set forth before a jury an individual's guilt in violation of state and federal laws also pertaining to the U.S. Constitution, inferring the state of mind element(s), negating the burden of proof that by law was to be consistently bore by the prosecution, Francis v. Franklin supra.; Moore v. Dempsey supra.

THE COURT HOLDS that a charge, and we can add to this, a charge in an indictment or criminal complaint, which impart to the jury, and we can add in this case, the defendant, an unconstitutional understanding of the allegations, even more specific, the burden of persuasion, and the presumption of innocence, creates a reasonable likelihood that the jurors understood the charge, and we can add, that the defendant understood the charge, in the criminal complaints and indictments, in an unconstitutional manner unless other language in the complaints or indictments explain the infirm language sufficiently to eliminate this possibility. If such a reasonable possibility, "we have no way of knowing that [t]he defendant was [n]ot [c]onvicted,



and we can add, gave his guilty plea, on the basis of the unconstitutional charge, specifically the charge embodied within the indictments and complaints", Sandstrom, 442 U.S. at 526(99 S.Ct. at 2460). For this reason it has been well settled since Stromberg v. California, 283 U.S. 359, 51 S.Ct. 532, 75 L.Ed. 117(1931) that where there exist a reasonable likelihood and or possibility that the jury, and we can add, the defendant, relied upon an unconstitutional understanding of the law in reaching a verdict, and we can add, in giving his guilty plea, that verdict and or guilty plea must be set aside, Id. at 323n. 7, 105 S.Ct. at 1976 n. 7. We conclude that there is more than a reasonable likelihood that the jurors, and we can add, defendant(s), received an unconstitutional understanding of the situation pertaining to their tasks.

This is no way a mischaracterization of the law pertaining to the cases cited here. Even though some of the cases cited dealt with conclusive presumption(s) given by Judges in charges that have the effect of shifting the burden of persuasion to the defendant regarding the crucial elements, in this case we are dealing with a similar charge except this time its given by the Grand Jury in the form of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant regarding the crucial elements. The subsidiary facts related to the shifting of the burden of persuasion to the defendant regarding the crucial elements and the inferring the state of mind element(s) to the offenses are the same in these matters. Due to the defect in the construction of the indictments and criminal complaints nationally, the defendants' presumption of innocence is clearly taken away, also guilt of the offense(s) is illegally predetermined in advance by the Grand Jury who do not have the power by state or federal law or state or federal constitution to convict, due to the language and or charge contained therein, and the indictments and or criminal complaints nationally serve to negate the burden of proof.

This creates a structural constitutional error and or defect. Structural Constitutional errors and or defects compro-

mise the entire trial and or plea hearing proceedings. It requires reversal and or vacating as it involves deprivation of constitutional protection so basic, and so fundamental, that in its absence criminal trial and or plea proceedings "[c]annot" reliably serve its function as a vehicle for determination of guilt or innocence, and "[n]o" criminal punishment may be deemed or regarded as fundamentally fair, Robinson v. Arvonio, 27 F3d. 877 rehearing denied, cert. granted vacated 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129. Such a structural constitutional error and or defect of this magnitude is "[n]ot" subject to the harmless error analysis. Structural constitutional errors and or defects not subject to the harmless error analysis are defects and or errors affecting framework, in which trial and or plea proceedings "[c]annot" reliably serve its function as a vehicle for determining guilt or innocence, involving deprivation of constitutional protection so basic, and so fundamental, that in its absence no trial or plea can be deemed reliable, nor any punishment fundamentally fair, Vines v. United States, 28 F3d. 1123 crim. law 1163(1), 1165(1). It is perspicuous that such a defect and or error does affect the framework of the proceedings, because the court(s) must constructively amend the indictments and criminal complaints around the nation on the "MENS REA" crucial elements of the offense(s) to correct, rather, in an attempt to correct the structural constitutional error and or defect by giving a Judge's charge. The boundaries cited by law are clear and certain even as cited by Winship Rule and Humanik v. Beyers supra.. Any conclusive presumption, of any kind, that's placed before a jury to obtain a conviction, or we can add, placed before a defendant to manipulate, mentally and or psychologically coerce, and or force the defendant into an unfreely, unknowingly, involuntarily or unintelligently given guilty plea, that determines in advance a person's guilt, that has the effect of shifting the burden of persuasion to the defendant, violates Due Process and is grounds for an acquittal, even if its embodied within an indictment or criminal complaint, Moore v. Dempsey supra.. Clearly there is nothing cited by law that would mandate that these strict rules of court, and requirements of Due Process law, be solely limited to a Judge's charge.

They apply to any charge that's placed before a jury to obtain a conviction, or a defendant in order to manipulate, mentally and or psychologically coerce, and or force him into a guilty plea. Such a heavy weight of shifting the burden of persuasion, and the taking away of one's presumption of innocence, by the indictments and criminal complaints of this entire nation, have been unjustly and unconstitutionally used against defendants in this nation, in this new Jim Crow and racial caste system, to mentally and or psychologically coerce, and or force them into plea bargains, and at their trials for far too long.

To elaborate on or bolster this proposition, if the honorable court would please take notice of the warrant(s) pertaining to the offense(s), as it is for every warrant in the nation. In the body of the warrant for most and or all states it reads:

"I further state that there is probable cause to believe that the defendant named above did etc.****".

This is the language that explains the constitutionally infirm language and or charge. This is the language that aids in the maintaining of the presumption of innocence, and also which confirms the specific job of the Grand Jury. The job of the Grand Jury is two prong. One--is to determine and ensure that some state and or federal official is not acting arbitrarily in bringing accusation against a citizen of this country. The second---is to determine whether or not there is sufficient probable cause to bring a defendant to trial, Stirone v. United States, 361 U.S. 212(1960); Ex Parte Bain, 121 U.S. 1 (1887); Gaither v. United States, 413 F2d. 1061(D.C.Cir.1969); The (50) States Constitutions; United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982); United States v. Calandra, 414 U.S. 338, 342-343, 98 S.Ct. 613, 617, 38 L.Ed.2d. 561, 568(1974); Branzburg v. Hayes, 408 U.S. 665, 92 S.Ct. 2646, 33 L.Ed.2d. 626(1972). To determine guilt of the offense(s), to include the "MENS REA" on the crucial elements of dispute, is a violation of the Grand Jury's shielding function. A Grand Jury merely investigates and reports. They are not authorized by Federal or State Consti-

tution, nor Federal and or State laws, to convict, Jenkins v. McKeithen, 395 U.S. at 430, 89 S.Ct. at 1853, 32 L.Ed.2d. at 422(1969). The powers of the Grand Jury are not unlimited, and are subject to the supervisory of a judge. Grand juries may individually or collectively enjoy protections assertable in suits for deformation, but the privilege is not applicable to bar the petition of an appellant to remove language from the indictments and criminal complaints around the entire nation, Compare Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d. 288, 294-95(1967). When the Grand Jury goes beyond the scope of the power and authority given to them, it is indeed a violation of Due Process, United States v. Chadwick, CA9 (Nev.) 1977, 556 F2d. 450; United States v. Briggs, 514 F2d 794(5th.Cir.1975). Yet, by the Structural Constitutional error, defect, language and or charge of the indictments and criminal complaints, both State and Federal around the nation, the Grand Jury adjudicated not only guilt of the offense(s) charged, but also the "MENS REA" related thereto. If such or similar language as aforementioned, is not embodied within the body of the charging instrument(s), then the indictments and or criminal complaints are not constitutionally sound and they violate Due Process. The evil that has developed from this, far and extremely out weigh the original good it intended.

Any indictment or criminal complaint, whether it be in the smallest of detail, whether it be in the smallest of towns, or the largest of cities, whether it be within the boundaries of any county or state, whether it be intentional or unintentional, that's constructed in a fashion where it automatically shift the burden of persuasion from the State or Federal government to the defendant, takes away one's presumption of innocence, and by the language predetermines in advance the outcome of the proceedings, giving off an unconstitutional impression and understanding of his or her rights by the laws of Due Process, contrary to the U.S. Constitution "[s]hall [n]ot [s]tand". They violate the appellant's rights under the 4th., 5th., 6th., 13th., 14th., 15th. amendments and seek to unjustly deprive one of life, liberty and property. It is for this reason that the New Jersey and Maine Supreme Courts overthrew such similar actions

in those States, and on this same premise the same should be done for every state within this nation now. And yes, under these circumstances, it may be far more difficult for the prosecution to obtain said conviction or guilty plea. But it is far better that they endure the difficulty than the greater degree and or likelihood, for innocent men and women to be subject to an erroneous conviction and or guilty plea, that is not freely, knowingly, voluntarily or intelligently given, because it prejudice the individuals subjected to these criminal indictments and or complaints within this nation. Prosecutors must be made to know and understand, that such is "THE NATURE OF THE BEAST". The burden is theirs and we are to be presumed innocent in every detail until fairly and justly convicted. This goes with the professional territory at hand.

The following statement in relevant part was made by the court in Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194(1963). It pertained to the suppression of evidence favorable to the defense, but the subsidiary facts related to Due Process violation have a bearing on these matters here. It has been slightly modified to paint a more true picture of this issue:

"WE HOLD, that such presumptions violate Due Process irrespective of the good faith or bad faith of the prosecution. The principle here is not to punish society for such Due Process violations, or the misdeeds of the prosecuting body, but the avoidance of an unfair trial and or plea hearing to the accused. Society not only wins when the guilty are convicted, but when criminal trials and or plea hearings are fair; Our system of administration of justice suffers when its citizens are treated unfairly in the courts. An inscription on the wall of The Department Of Justice states the proposition candidly for the federal Domain: The United States wins its point whenever justice is done its citizens in the courts", Brady v. Maryland supra.; citing Mooney v. Holohan, 294 U.S. 103.

The appellant humbly quotes that which is stated in United



States v. Walsh, 194 F3d. 37(2nd.Cir.1999) and United States v. Pirro, 212 F3d. 89(2nd.Cir.2000):

"The indictments do more than simply track the language of 18 U.S.C. § 242, which provides penalties for any person, who under color of any state or federal law, statute, ordinance, regulation, custom, and we can add to this, "an indictment or criminal complaint", willfully subjects any person,...to the deprivation of "[a]ny", "[a]ny", right, privileges, or immunities secured and protected by the U.S. Constitution and Laws of the United States***", and this was done in violation of the appellant's rights to Equal Protection of the laws, Screws v. United States, 325 U.S. 91, 65 S.Ct. 1031(1945); State v. Middleton, 207 S.C. 473, 36 S.E.2d. 742(1946); Eslinger v. Thompson, 340 F.Supp. 886(DSC.1972) Aff'd 476 F2d. 225(4th.Cir.1973); Mc Laughlin v. Florida, 379 U.S. 184, 85 S.Ct. 283, 13 L.Ed.2d. 222(1964); Dubinka v. Judges Of Superior Court Of The State Of Los Angeles, 23 F3d. 218; Jones v. Arkansas, 929 F2d. 275; Hicks v. Oklahoma, 447 U.S. 343, 346, 100 S.Ct. 2227, 2229, 65 L.Ed.2d. 175(1980); Dozier v. Loop College, City Of Chicago, 776 F2d 752; Lugar v. Edmondson Oil Co., 457 U.S. 922, 928-30, 102 S.Ct. 2744, 2749-50, 73 L.Ed.2d. 482(1982).

By the structural constitutional error, defect, language, and or charge contained within the indictments and criminal complaints around the entire nation, the defendant(s) most basic and most fundamental right to be viewed as innocent until proven guilty, and to have the state bear the burden of production on the critical elements of dispute has been clearly taken away. This is a serious price to pay for the sake of obtaining a conviction.

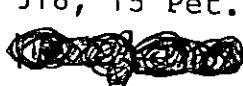
"The teaching of these cases is that "[a]ny", "[a]ny", presumption, even if its not conclusive, even if its embodied within the charge of an indictment or criminal complaint, that placed before a jury to obtain a conviction, and or defendant to coerce him or her into a guilty plea, that has the effect



of shifting the burden of persuasion to the defendant on any element of the crime charged, or deprives him of the presumption of innocence, predetermining in advance the outcome of the proceedings, violates Due Process and is grounds for an acquittal", IN Re Winship supra.; Humanik v. Beyers supra.; Moore v. Dempsey supra.; It involves deprivation of constitutional protection so basic and so fundamental that in its absence criminal trials and or plea proceedings "[c]annot" reliably serve its function as a vehicle for the determination of guilt or innocence and no criminal punishment may be deemed or regarded as fundamentally fair because the structural constitutional error and or defect affect the framework of the proceedings and "[c]annot" be viewed as harmless, Robinson v. Arvonio supra.; Vines v. United States supra..

The actions of the conspiring agents, both state and federal, produce fraud upon the court also in violation of 18 U.S.C. §§ 241 and 242. Fraud will vitiate any legal transaction which include criminal trials and or plea hearing where the indictments and proceedings are a form of contract. And any asserted title to property in the form of this modern day slavery by this broken judicial system, this so-called "debt to society" founded on it is void. The U.S. Constitution does not confer power or jurisdiction upon any state or federal government or court within this nation to establish or legalize modern day slavery which essentially is what the government has done here, both state and federal as is defined in the definition for slavery under the C.A.T. Treaty ratified by Congress. Although public documents such as, and or even indictments or criminal complaints, which themselves are a form of contract, which embellish this modern day slavery and property of the states or federal government by criminal conviction are deemed prima facie evidence of facts which they purport to state, they are open to be impunged for fraud and a clear challenge to the courts nationally "[p]ower" to establish or legalize modern day slavery, The Conception, Brunn, Coll. C. 497, 2 Wheeler CC 597, 6 F. Cas. 359 No. 3137(C.C.D. S.C. 1819); The La Conception, 19 U.S. 235, 1821 WL 2188, 5 L.Ed. 249, 6 Wheat, 235 U.S.S.C. (Mar. 8, 1821); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024,

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2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn., January 1841; Chewing v. Ford Motor Company, 345 S.C. 72, 579 S.E.2d. 605(S.C.2003); Appling v. State Farm Mut. Auto Ins. Co., 340 F3d. 769, 780 (9th.Cir.2003); King v. First American Investigation Inc., 287 F3d. 91, 95(2nd.Cir.2002) cert. denied 537 U.S. 960, 123 S.Ct. 393, 154 L.Ed.2d. 314(2002); Brailsford, 669 S.E.2d. 342, 380 S.C. 433; Callon Petroleum Co. v. Frontier Ins. Co., 351 F3d. 204, 208(5th.Cir.2003). This fraud upon the court is endemic and compromises the system itself and institution set up to protect the commonwealth from unjust prosecution corrupting, irreparably, the entire judicial system as a whole warranting it be abolished and or reformed. The Grand Jury does not have the power to predetermine in advance the outcome of the proceedings and must refrain itself from making any opinion as to guilt or innocence. How much more egregious is it if they swear upon their oath a person's guilt or innocence before they have a trial or give a guilty plea? This "[c]annot" be deemed as a harmless error, United States v. Direct Sales Co., 40 F.Supp.917 D.C.S.C.(1941); United States v. Atlantic Commission Co., 45 F.Supp. 187 D.C.N.C.(1942); State v. Boyd, 2 Hill (S.C.) 288, 1834 WL 1573 S.C. App. L. & Esq. 1834; State v. Bramlett, 166 S.C. 323, 164 S.E. 873(S.C.1932); Beck v. Washington, 369 U.S. 541, 82 S.Ct. 955 U.S. Wash.(1962); State v. Tollin, 352 S.C. 235, 573 S.E.2d. 812(S.C.App.2002); Byers v. Reynolds, 2011 WL 7063638, * 8 (DSC.2011); United States v. Jefferson, 546 F3d. 300 CA4 (Va.2008); In Re: Grand Jury Subpoena John Doe, No. 05GJ1318, 584 F3d. 175 CA4 (Va.2009); In Re: Grand Jury Subpoena (T-112), 597 F3d. 189 CA4 (Va.2010).

We are arguing violations of the Anti-Peonage Act of The 13th. Amendment. Under this provision of law no time bar, or statute of limitations, or (3) strike provision, or successive bar, which all are statute of limitations can hold a man in Peonage.

The 13th. Amendment Provides---"Neither slavery nor involuntary servitude, except as punishment for crimes where of the party is "duly" (emphasis added) convicted, shall exist

within the United States, or any place subject to their jurisdiction".

The courts have repeatedly held that by the language of the 13th. Amendment, the 13th. Amendment does not apply to a person serving a sentence for a criminal conviction, Newell, 563 F2d. 123; WL 1415149(2012); Cox v. U.S. Attorney General, F.Supp.2d, 2012 WL 1570110 DSC April 10, 2012; Gaddy v. South Carolina Supreme Court's District Of Columbia, S.C., 2013 WL 6150715 DSC November 21, 2013; Flood v. News & Courier Co., 71 S.C. 112, 50 S.E. 637(1905).

The courts in these previous cited cases abused their discretion in their determination because they are controlled by an error of law in their interpretation and or they failed to address a critical part of the language written in the 13th. Amendment.

An abuse of discretion occurs when the court(s) are controlled by an error of law, or when the order bases upon findings of fact is without evidentiary support or fact, Sharpes v. Sharpes, 535 S.E.2d. 913, 342 S.C. 71(2000).

None of the aforementioned legal authorities ever addressed whether or not the issue of slavery and violations of the 13th. Amendment have standing if the convicted person is not "duly" (emphasis added) convicted. Since none of the afore citings, or any similar, addressed the issue of whether the 13th. Amendment applies in cases where the party is [n]ot "duly" (emphasis added) convicted. Which is indisputably in the language of the 13th. Amendment. Using or applying any of those citings, or any similar, would be misplaced if the citing does not address the issue of whether slavery applies or have standing when a person is [n]ot "duly" (emphasis added) convicted. See S.C. Code Ann § 17-25-10.

"Duly---is defined, as is 'right' and 'fitting'; 'properly'; in 'accordance with legal requirements'".

BY THE LEGAL ISSUES PRESENTED WITHIN THIS DOCUMENT AND ARGUED WITHIN THIS CASE. THE CONVICTION IS NOT RIGHT. IT IS NOT FITTING. THE CONVICTION IS NOT PROPER, NOR IS IT IN ACCORDANCE TO THE LEGAL REQUIREMENTS OF DUE PROCESS LAW. IT IS NOT CONSTITUTIONAL WHICH VOIDS THE GENERAL SESSIONS COURT'S JURISDICTION. THUS, I AM NOT "DULY" (EMPHASIS ADDED) CONVICTED, AND VIA THE FRAUD, THE 13TH. AMENDMENT DOES HAVE STANDING. SEE S.C. CODE ANN § 17-25-10. THE SENTENCES AND CONVICTIONS RELATED TO THIS ISSUE AROUND THE NATION MUST BE VACATED. I DEMAND THAT THE STATE APPOINTED ATTORNEY SEEK CLASS ACTION CERTIFICATION UNDER ARTICLE III SECTION 2 OF THE U.S. CONSTITUTION AND FEDERAL RULE 23 ARGUING PREEMPTION.

I GIVE THE COURT OF COMMON PLEAS JUDICIAL NOTICE THAT THIS LEAD ISSUE OF RELIGIOUS PROPHECY ARGUED WITHIN THIS CASE WHERE THE INDICTMENT(S) BY THEIR LANGUAGE PREDETERMINE IN ADVANCE THE OUTCOME OF THE PROCEEDINGS, CREATING AN INSTANT DOUBLE JEOPARDY ISSUE, SHIFTING THE BURDEN OF PERSUASION UPON THE APPLICANT VIA THE MENS REA ELEMENTS OF THE OFFENSE AND INDISPUTABLY TAKING AWAY THE PRESUMPTION OF INNOCENCE. THE UNITED STATES SUPREME COURT HAS RECENTLY GAVE JUDICIAL REVIEW ON AN ESSENTIAL PART OF THIS ISSUE AND ARGUMENT THAT VOIDS THE COURT'S JURISDICTION DUE TO THIS UNCONSTITUTIONAL ACTION UNDER THE CASE OF NELSON v. COLORADO, 137 S.Ct. 1249, 197 L.Ed.2d. 611, 85 U.S.L.W. 4205 (U.S.2017). THE U.S. SUPREME COURT DETERMINED THAT THE PRESUMPTION OF INNOCENCE LIES AT THE FOUNDATION OF THE WHOLE CRIMINAL PROCEEDINGS MAKING IT A "STRUCTURAL ERROR" NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THE U.S. SUPREME COURT FURTHER DETERMINED THE PRESUMPTION OF INNOCENCE IS A PRINCIPLE SO ROOTED IN THE TRADITIONS AND CONSCIENCE OF THE PEOPLE AS TO BE FUNDAMENTAL AND TO DEPRIVE SUCH AS THE INDICTMENTS DO, IS A VIOLATION OF DUE PROCESS, IS UNCONSTITUTIONAL, WHICH VOIDS THE GENERAL SESSIONS COURT'S JURISDICTION. NORMALLY, THIS WOULD BE AN AUTOMATIC REVERSIBLE ERROR. BUT DUE TO THE ADDED COMPOUNDING FACTORS SUCH AS THE GRAND JURY GOING BEYOND THE SCOPE OF THE POWER AND AUTHORITY GIVEN TO THEM AND BY THE LANGUAGE CONVICTING US, SUBJECTING US TO A FORM OF MODERN DAY SLAVERY, TAKING AWAY OUR RIGHT TO VOTE IN VIOLATION OF THE 15TH. AMENDMENT VIA EGREGIOUS

ACTS OF FRAUD UPON THE COURT BY THESE VIOLATIONS. THEN YOU ADD
 THE ADDITIONAL COMPOUNDING FACTOR(S) OF CONSTRUCTIVELY AMENDING
 THE INDICTMENTS ON THE MENS REA AND OTHER ELEMENTS, EVEN BY
 ATTEMPTED INSUFFICIENT CURATIVE INSTRUCTION "BOILERPLATE".
 THE AMOUNT OF PREJUDICE AND DUE PROCESS VIOLATION BECOMES SO
 EGREGIOUS IT REQUIRES THAT THE SENTENCE AND CONVICTION BE VA-
 CATED. A REVERSIBLE CONVICTION IS REVERSIBLE REGARDLESS OF THE
 REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL WHICH
 ADD TO PROVING THAT MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718,
 193 L.Ed.2d. 599 WAS CORRECT ABOUT UNCONSTITUTIONAL ACTION VOID-
 ING JURISDICTION IN EVEN CRIMINAL CASES, UNITED-STATES-v.-LIBOUS,
 858 F3d. 64 (2nd.Cir.2017); CITY-OF-LEBANON-v.-MILBURN, 286
 Or. App. 212, 398 P.3d. 486(2017). TO ENSURE THAT THE COURT
 OF COMMON PLEAS DOES NOT ABUSE ITS DISCRETION AND MISREPRESENT
 THE FACTS IN ACTS OF FRAUD UPON THE COURT AND DETERMINE THAT
 THE U.S. SUPREME COURT CASE ONLY APPLY TO CASES WHEN A CONVICTION
 HAS BEEN VACATED. ALL ONE WOULD HAVE TO DO IS REVIEW SUBSEQUENT
 CASES THAT ADDRESSED THIS MATTER AND IT WOULD BE PERSPICUOUS
 THAT THE U.S. SUPREME COURT'S DETERMINATION APPLIES TO THE STRUC-
 TURAL FOUNDATION OF ALL CRIMINAL PROCEEDINGS FROM THE POINT
 OF ARREST UNTIL HE PLEAS OR A JURY DETERMINES GUILT, BEING A
 FUNDAMENTAL RIGHT, AND IT CANNOT BE STRIPPED BEFORE THAT PLEA
 OR CONVICTION OCCURS WHICH THE INDICTMENTS BY THEIR LANGUAGE
 DO. SEE STATE-v.-THOMPSON, 2018 WL 1702406, * 6+ W.Va.; MARTIN
v.-UNITED-STATES, 2018 WL 1626578, * 2 D.Md.; DIXON-v.-YORDY,
 2018 WL 1526006, * 5 D.IDAHO.

ISSUE NUMBER 2:

DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S
 4th., 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION
 VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS
 VIOLATED, BY THE TRIAL COURT AND OR PROSECUTION, ENGAGING IN
 ACTS OF FRAUD UPON THE COURT AND SHAM LEGAL PROCESS, BY STAMPING
 THE INDICTMENTS "TRUE BILLED", ALLEGING A PROPER REVIEW BY THE
 GRAND JURY, WHEN NO SUCH FAIR AND PROPER REVIEW BY THE GRAND

EXHIBIT, "SHAM LEGAL PROCESS"

ISSUE NUMBER 2:

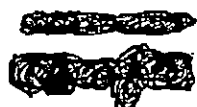
DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 4th., 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE TRIAL COURT AND OR PROSECUTION, ENGAGING IN ACTS OF FRAUD UPON THE COURT AND SHAM LEGAL PROCESS, BY STAMPING THE INDICTMENTS "TRUE BILLED", ALLEGING A PROPER RETURN BY THE GRAND JURY, WHEN NO SUCH FAIR AND PROPER REVIEW BY THE GRAND JURY EVER OCCURRED?

JUDICIAL NOTICE TAKES PLACE OF PROOF. IT SIMPLY MEANS THAT THE COURT WILL ADMIT INTO EVIDENCE AND CONSIDER, WITHOUT PROOF OF FACTS, MATTERS OF COMMON AND GENERAL KNOWLEDGE, MOSS v. AETNA LIFE INS. CO. SUPRA.; STATE v. BROAD RIVER POWER CO. SUPRA.; 31 C.J.S. EVIDENCE §§ 6 AND 9; FEDERAL RULES OF EVIDENCE, RULE 201(a).

THIS IS A MANIFEST CONSTITUTIONAL ERROR. AN ERROR ON THE PART OF THE TRIAL COURT THAT HAS AN IDENTIFIABLY NEGATIVE IMPACT ON THE PROCEEDINGS TO SUCH A DEGREE, THAT THE CONSTITUTIONAL RIGHTS OF THE PARTY ARE COMPROMISED. A MANIFEST CONSTITUTIONAL ERROR CAN BE REVIEWED BY A COURT OF APPEALS EVEN IF THE APPLICANT DID NOT OBJECT AT THE PROCEEDINGS, (BLACK LAW DICTIONARY 8th. EDITION).

S.C. CODE ANN § 17-19-10 PROVIDES:

"ALL OFFENSES SHALL BE PROSECUTED BY GRAND JURY IN-



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DICTMENT(S). THUS, NO PERSON SHALL BE HELD TO ANSWER IN ANY COURT FOR AN ALLEGED CRIME OR OFFENSE UNLESS UPON INDICTMENT BY A GRAND JURY".

S.C. CODE ANN § 17-19-20 PROVIDES:

"EVERY INDICTMENT SHALL BE DEEMED AND JUDGED AS GOOD AND SUFFICIENT IN LAW, WHICH IN ADDITION AS TO ALLEGATIONS AS TO TIME AND PLACE AS REQUIRED BY LAW, CHARGES THE CRIME SUBSTANTIALLY IN THE LANGUAGE OF THE COMMON LAW OF THE STATUTE, PROHIBITING THE CRIME AND SO PLAINLY THAT THE NATURE OF THE OFFENSE CHARGED MAY BE EASILY UNDERSTOOD***".

BY THIS ISSUE, THERE IS NO VALID INDICTMENT. THEREFORE, THE EXISTING INDICTMENTS CANNOT BE DEEMED OR JUDGED AS GOOD AND SUFFICIENT. ON AUGUST 9, 2018 NUMEROUS DEFENSE ATTORNEYS WITHIN THE COUNTY OF YORK MOTIONED BEFORE THE COURT OF GENERAL SESSIONS TO QUASH THE INDICTMENTS IN OVER (70) PENDING CRIMINAL CASES. THIS WAS SOUGHT BECAUSE IT WAS DISCOVERED THAT THE PROSECUTOR FOR THE STATE OF SOUTH CAROLINA, AS WELL AS THE COUNTY OF YORK, WAS ENGAGING IN SHAM LEGAL PROCESS, PRIVY BY THE GENERAL SESSIONS COURT, IN ACTS OF FRAUD UPON THE COURT, WHERE APPROXIMATELY 300 INDIVIDUAL CRIMINAL CASES WERE ALLEGEDLY "TRUE BILLED", REVIEWED AND INVESTIGATED BY THE YORK COUNTY GRAND JURY WHERE THE PROCESS FOR EACH INDIVIDUAL CASE WAS CONCLUDED ON AN AVERAGE OF .38 SECONDS EACH. WE ALL KNOW THAT THIS IS IMPOSSIBLE. THE SAME THING HAPPENED WITHIN THE APPLICANT'S CASE. I WANT THE GRAND JURY MINUTES FROM MY CASE ESTABLISHED DURING THE TIME THE APPLICANT'S INDICTMENT ALLEGEDLY PASSED BEFORE THE BERKELEY COUNTY GRAND JURY. WITHOUT AN INDICTMENT THAT WAS PROPERLY RETURNED BY A GRAND JURY, WHICH IS A "[J]URISDICTIONAL [P]REREQUISITE" UNDER THE STATE AND FEDERAL CONSTITUTION, YOUR JURISDICTION IS MADE VOID. THIS IS A CONSISTENT PATTERN OF FRAUD AND DECEPTION DONE BY BERKELEY COUNTY AND ITS PROSECUTORS. THIS ACTION ON THE PART OF THE STATE IS WITHOUT A DOUBT UNCONSTITUTIONAL AND VOID THE JURISDICTION OF THE GENERAL SESSIONS COURT FOR FRAUD AND DUE PROCESS VIOLATION, U.S. v. \$41,320 U.S. CURRENCY, 9 F.Supp.3d. 582, 2014 WL 126640; WHITE v. MANIS, 2014 WL 1513280(DSC.2014); FOX EX REL FOX v. ELK RUN COAL CO. INC.,

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739 F3d. 131 (4th.Cir.2014); BLUE SKY TRAVEL AND TOURS, LLC. v. AL TAYYAR,--Fed. Appx'--, 2015 WL 1451636 CA4 (Va.2015); BARLOW v. COLGATE PALMOLIVE CO., 772 F3d. 1001, 90 Fed. R. SERV.3d. 85 CA4 (Md.2014); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386 (D.C.Md.2016).

I AM RESPECTFULLY SEEKING THE GRAND JURY MINUTES IN REGARD TO MY CASE TO ADDRESS THIS ISSUE DUE TO WHAT HAS NOW OCCURRED WITHIN MY CASE WHERE THE STATE GAVE A FALSE IMPRESSION, CONCEALING AND SUPPRESSING TRUTH WHEN THERE WAS A FIDUCIARY DUTY TO SPEAK IN ACTS OF FRAUD WHICH VITIATE THE ENTIRE CRIMINAL PROCEEDING DUE TO UNCONSTITUTIONAL ACTION, HAMER v. NEIGHBORHOOD HOUSING SERVICE OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 246(U.S.2017); WELLS FARGO BANK N.A. v. FARAG, 2016 WL 2944561(N.C.2016); U.S. v. KORN. F.Supp.2d., 2013 WL 2898056(W.D.N.Y.2013); TONEY v. COM., 1998 WL 684203(4th.Cir.1998); SEC v. FARMER, F.Supp.3d., 2015 WL 5838867(S.D.Tex.2015); U.S. v. MOSBERG, 866 F.Supp.2d. 275(D.N.J.2011).

THE STATE AND OR PROSECUTING BODY, ACTING UNJUSTLY, ARBITRARILY, CONSPIRING UNDER COLOR OF STATE LAW, HAS EGREGIOUSLY FAILED TO ADHERE TO NOT JUST THE CONSTITUTION, BUT ALSO TO THEIR OWN STATE LAWS, SERVING TO DENY THE PETITIONER THE EQUAL PROTECTION OF THE LAWS AGAINST UNJUST, ARBITRARILY PROSECUTION AND JUDICIAL ACTION IN ACT OF FRAUD UPON THE COURT, GREAT COASTAL EXP. INC. SUPRA., 675 F2d. 1349(4th.Cir.1982); U.S. v. BEGGERLY, 524 U.S. 38, 118 S.Ct. 1862, 141 L.Ed.2d. 32(U.S.1998); U.S. v. TEJADA, 445 Fed. Appx' 719, 2011 WL 3891825 CA4 (S.C.2011); SCREWS v. UNITED STATES, 325 U.S. 91, 65 S.Ct. 1031(1945); STATE v. MIDDLE, 207 S.C. 473, 36 S.E.2d. 742(1946); ESLINGER v. THOMPSON, 340 F.Supp. 886 (DSC.1972) AFF'D 476 F2d. 225

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(4th.Cir.1973); McLAUGHLIN v. FLORIDA, 379 U.S. 184, 85 S.Ct. 283, 13 L.Ed.2d. 222(1964); DUBINKA v. JUDGE OF SUPERIOR COURT OF THE STATE OF LOS ANGELES SUPRA.; GREENWOOD v. PEACOCK, (1966) 384 U.S. 808, 16 L.Ed.2d. 944,

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~~CONFIDENTIAL~~

86 S.Ct. 1800; UNITED STATES v. OTHERON, (1980 CA9 Cal.) 637 F2d. 1276 CERT. DENIED (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; S.C. CODE ANN § 17-25-10.

THE REQUIREMENT OF THE INDICTMENT(S) LIMIT AND CONSTRAIN THE SUBJECT MATTER JURISDICTIONARY "[P]OWERS" OF BOTH THE PROSECUTION AND THE COURT BY LIMITING WHAT CAN BE PRESENTED AT TRIAL, CONVICTION AND SENTENCING. BY THIS CRIMINAL, ARBITRARY ACTION ALL CONSTITUTIONAL RESTRAINTS HAVE BEEN UNJUSTLY DENIED TO ME VIOLATING DUE PROCESS LAW VOIDING THE COURT'S JURISDICTION, UNITED STATES v. PROMISE, 255 F3d. 150 (4th.Cir.2001); STATE v. GUTHRIE, 352 S.C. 103, 572 S.E.2d. 309. IT IS THE COMMAND OF THE U.S. CONSTITUTION, THAT ANYTHING TO THE CONTRARY IS NOTWITHSTANDING, (ARTICLE IV § 2 U.S. CONST.); S.C. CODE ANN § 17-25-10.

WHEN AN OFFICER OF THE COURT AND OR STATE, SHALL USE THEIR POWER PURSUANT TO ARREST AND OR PROSECUTION IN EGREGIOUS ACTS OF PROSECUTIONAL MISCONDUCT, FRAUD UPON THE COURT AND MACHINATION, FOR ULTERIOR MOTIVES AND INCARCERATE AND OR PROSECUTE AN ACCUSED FOR THE PURPOSE OF ENGAGING IN MALICIOUS, ARBITRARY, FRAUDULENT AND CRIMINAL ACTS, WILLFULLY SUBJECTING THE APPLICANT TO DEPRIVATION OF ANY RIGHTS, IMMUNITIES OR PRIVILEGES SECURED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES WITHIN ANY STATE, DISTRICT OR TERRITORY. THEY SHALL BE SUBJECT TO STATE AND FEDERAL PENALTIES. BY WHAT HAS BEEN DONE HERE PRODUCING OVERWHELMING PREJUDICE AND RACIAL ANIMUS IN VIOLATION OF 28 U.S.C. §§ 1985(2), 1985(3) AND 1986. SUCH ACTION IS INDISPUTABLY DEPRIVATION OF RIGHTS, IMMUNITIES AND PRIVILEGES OF THE ACCUSED TO LIBERTY AND A VIOLATION OF 18 U.S.C. §§ 242 AND 1001. NEITHER THREAT, NOR VIOLENCE IS A NECESSARY INGREDIENT OF THE OFFENSE UNDER THESE CIRCUMSTANCES WHERE THE CONSPIRING INDIVIDUALS WERE CLEARLY ACTING ARBITRARILY UNDER COLOR OF STATE LAW FOR ULTERIOR MOTIVES GIVING A MOCK GRAND JURY PROCEEDINGS THAT NEVER EXISTED, ILLEGALLY TRUE BILLING INDICTMENTS ESTABLISHING AN ILLEGAL SEIZURE WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. THUS, THE SENTENCE AND CONVICTION MUST BE VACATED, ELDERBERRY OF WEBER CITY, LLC. v. LIVING CENTER-

SOUTHEAST, INC.,--F3d.--, 2015 WL 4430836 CA4 (Va.2015); PCS NITROGEN INC. v. FORD MOTOR CO.,--F.Supp.3d.--, 2015 WL 6758983 (E.D.N.C.2015); APPLING v. STATE FARM MUT. INS. CO., 340 F3d. 769 (9th.Cir.2003); UNITED STATES v. BARTKO, 728 F3d. 377 (4th.Cir.2013); NAPUE v. PEOPLE OF THE STATE OF ILLINOIS, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d. 1217(U.S.1959).

HERE THE COURT WILL FIND ATTACHED: EXHIBIT, "COURT ADMINISTRATION". THIS IS THE LETTER DATED SEPTEMBER 17, 2018 FROM THE COURT ADMINISTRATION DEMONSTRATE THAT NO STATE GRAND JURY EVER MET IN RICHLAND COUNTY AT THE TIME INDICATED BY THIS INDIVIDUAL'S INDICTMENT. THE COURT PRODUCING NOTICE BY A GRAND JURY IS JURISDICTIONAL IN NATURE ADOPTED EVEN BY THE S.C. CONSTITUTION. BASED UPON THE NEW LANGUAGE COMING OUT OF THE U.S. SUPREME COURT WHICH OVERRULES EVEN THE GENTRY CASE. SUCH ACTION ON THE PART OF THE COURT IS A VIOLATION OF DUE PROCESS WHICH RENDERS THE CRIMINAL COURT'S JURISDICTION VOID FOR UNCONSTITUTIONAL ACTION. SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME, AT ANY STAGE OF THE PROCEEDING, EVEN AFTER A FINAL DETERMINATION WAS MADE IN THE CRIMINAL COURT, CANNOT BE WAIVED BY ME AND THE COURT SHALL NOT FAIL TO ADDRESS WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG 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 INSURANCE 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.; S.C. DEPT. OF SOCIAL SERVICES v. TRAN, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016).

THIS ISSUE MUST FURTHER BE ACCEPTED BY THIS COURT OF APPEALS BECAUSE IT MUST BE DEEMED AS NEWLY DISCOVERED EVIDENCE OF SUCH A MAGNITUDE THAT IT CREATES A STRUCTURAL ERROR THAT IS SO EGREGIOUS THAT IT IS NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE REQUIRING IMMEDIATE REVERSAL AND VACATING OF THE SENTENCE AND CONVICTION. THE TRUE IMPACT OF NEW EVIDENCE, BOTH AGGRAVATING AND

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MITIGATING, CAN ONLY BE UNDERSTOOD BY ASKING HOW THE JURY WOULD HAVE CONSIDERED THAT EVIDENCE IN LIGHT OF WHAT IT ALREADY KNEW. THE COURT HAD NO LEGAL NOTICE GIVEN TO THE PETITIONER ESTABLISHED TO HEAR THIS CASE. ANY COMPETENT JURY WOULD HAVE RAN FROM THESE ILLEGALLY CONDUCTED PROCEEDINGS AS QUICK AS THEIR FEET WOULD HAVE ALLOWED THEM, WHERE THESE PROCEEDINGS WERE UNCONSTITUTIONAL AND VOID, TREVINO v. DAVIS, 138 S.Ct. 1793, 201 L.Ed.2d. 1014 (U.S.2018); McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821 (U.S.2018)(APPOINTED COUNSEL CANNOT WAIVE THIS ISSUE); CLASS v. U.S., 138 S.Ct. 798, 200 L.Ed.2d. 37 (U.S.2018); U.S. v. BROCE, 488 U.S. 563, 109 S.Ct. 757, 102 L.Ed.2d. 927 (U.S.1989). BY THEIR ACTION THE COURT AND PROSECUTING BODY HAS DENIED THE PETITIONER THE EQUAL PROTECTION OF THE LAWS CONSPIRING UNDER COLOR OF STATE LAW, PAUL ADAMS v. CALIFORNIA INSTITUTION, 2016 WL 6464444; HOLLOWAY v. PERRY, 2016 WL 4074149.

TO FURTHER BOLSTER THIS CLAIM. THE APPELLANT ALSO SAW THE GRAND JURY MINUTES AND PANEL DOCUMENTS FROM SPARTANBURG COUNTY IN A RECENT CASE. BY THOSE DOCUMENTS IT ALLEGES THAT OVER (300) CRIMINAL CASES WENT BEFORE THAT COUNTY'S GRAND JURY WHERE THEY ALLEGEDLY INVESTIGATED AND REVIEWED OVER (300) CRIMINAL CASES ON ONE DAY, A THURSDAY, IN (2) HOURS. WE ALL KNOW THAT THIS IS IMPOSSIBLE. THE STATE OF SOUTH CAROLINA HAS BEEN DOING THIS FOR DECADES ENGAGING IN A FORM OF RACIAL GENOCIDE DISPROPORTIONATELY AFRICAN AMERICANS, LATINOS AND POOR WHITES BEHIND RACIAL HATRED ALSO TO BRAND AFRICAN AMERICANS AS FELONS TO DIMINISH THEIR POLITICAL VOICE BY DENYING THEM THEIR RIGHT TO VOTE DUE TO THE ALLEGED FELONIES; A REPUBLICAN TACTIC TO AID TO KEEP THIS STATE REPUBLICAN LED IN AN ALT RIGHT WHITE NATIONALIST AGENDA. THIS WOULD DEMONSTRATE THAT THE COURT, JUDGES AND PROSECUTION WERE COMPLETELY WITHOUT JURISDICTION. I WANT THE GRAND JURY MINUTES AND PANEL DOCUMENTS. BY THE SUBMITTING OF THIS NEWLY DISCOVERED JURISDICTIONAL DUE PROCESS EVIDENCE, THE BURDEN IS NOW ON THE STATE TO DISPUTE THESE FACTS.

GRAND JURY PANEL DOCUMENTS MAY BE RELEASED TO A DEFENDANT



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PRIOR TO TRIAL UPON TIMELY REQUEST OR TO A PETITIONER IN A FALSE IMPRISONMENT TORT, OR TO AN APPLICANT IN A POST CONVICTION RELIEF PROCEEDING. BUT WHERE IN THIS CASE WE ARE DEALING WITH THE DUE PROCESS CONSTITUTIONAL RIGHT TO NOTICE THAT MUST BE ISSUED BY A GRAND JURY AND WHERE IN THIS INSTANCE NO SUCH GRAND JURY EXISTED AT ALL, IN EGREGIOUS ACTS OF FRAUD UPON THE COURT. SUCH A JURISDICTIONAL RELEASE MUST NOW OCCUR BEFORE THIS COURT. SEE S.C. CODE ANN § 14-7-1770; EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510 (S.C.App.2005); FOX EX REL FOX v. ELK RUN COAL CO. SUPRA..

S.C. CODE ANN § 17-19-10 PROVIDES:

"NO PERSON SHALL BE HELD TO ANSWER IN ANY COURT FOR AN ALLEGED OFFENSE, UNLESS UPON INDICTMENT BY A GRAND JURY." THEY HAVE BEEN ENGAGING IN THIS FORM OF RACIALLY MOTIVATED GENOCIDE FOR DECADES AND IT WAS NOT DISCOVERED UNTIL NOW, THOUGH MANY INMATES KNEW ABOUT IT SINCE AT LEAST 2004. THE PETITIONER RECENTLY FOUND OUT ABOUT THE OTHER INSTANCES REFERRED TO ABOUT THE TIME OF THE 5TH. CIRCUIT FILING. THE JURISDICTIONAL CLAIM IS TIMELY AND APPROPRIATELY PRESENTED.

THE INDICTMENT IS A FORMAL WRITTEN ACCUSATION OF A CRIME, MADE BY A GRAND JURY, AND PRESENTED TO THE COURT FOR PROSECUTION AGAINST AN ACCUSED PERSON, ALEXANDER v. WARDEN, ROSS CORRECTIONAL INST., F.Supp.2d., 2011 WL 1771114 (S.D.OHIO.2011); TYRE v. SETTLE, 168 F.Supp. 7 (W.D.MISSOURI.1958).

THERE IS NO TRIAL, CONVICTION, OR PUNISHMENT FOR A CRIME WITHOUT A FORMAL AND SUFFICIENT ACCUSATION (NOTICE DOCUMENT). THERE IS NO ACCUSATION WITHOUT AN INDICTMENT FROM A GRAND JURY; IN ABSENCE OF AN ACCUSATION THE COURT NOR JUDGES NOR PROSECUTION INVOLVED ACQUIRES NO JURISDICTION OR POWER WHATSOEVER RENDERING THEM COMPLETELY VOID OF JURISDICTION STRIPPING THEM OF IMMUNITY BECAUSE THEY ALL KNEW THIS WAS GOING ON FOR DECADES WHERE THIS ACTION ASSURES JURISDICTION, A TRIAL AND CONVICTION ARE A

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NULLITY, ROCKLE v. WARDEN, MD. PENETENTIARY, 333 F2d. 336
(4th.Cir.1964).

DEFENDANT'S 5TH. AMENDMENT RIGHT, ADOPTED BY THE S.C. CONSTITUTION, TO HAVE A GRAND JURY, NOT THE JUDGES AND PROSECUTORS, ISSUE AN INDICTMENT ON ITS OWN JUDGMENT IS A SUBSTANTIAL RIGHT WHICH CANNOT BE TAKEN AWAY. THUS, THE SENTENCE AND CONVICTION MUST BE VACATED. SEE U.S. v. REQUEST DEVELOPMENT, LLC., 932 F.Supp.2d. 453 (W.D.N.Y.2013); STIRONE v. UNITED STATES, 361 U.S. 212, 80 S.Ct. 270 (U.S.1960); RUSSELL v. UNITED STATES, 369 U.S. 749, 82 S.Ct. 1038 (U.S.1962); U.S. v. WILLIAMS, 504 U.S. 36, 112 S.Ct. 1735 (U.S.1992); BAYLY v. STATE, 397 S.C. 290, 724 S.E.2d. 182 (S.C.App.2012); EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510 (S.C.App.2005); 23 F3d. 218; JONES v. ARKANSAS, 929 F2d. 275; LUGAR v. EDMONDSON OIL CO., 457 U.S. 922, 928-30, 102 S.Ct. 2744, 2749-50, 73 L.Ed.2d. 482 (1982).

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~~CONFIDENTIAL~~

(3) Did the trial court err,
and was the applicant's 5th, 6th,
14th. Amendment rights of the US
Constitution violated, as well as
Article III 2, and his due process
rights violated, as well as rules of
court, rules of criminal procedure,
as well as the court's jurisdiction
being made void for due process
violations, and or they were pro-
hibited from enacting and or
invoking and or continuing their
subject matter jurisdiction

EXHIBIT, "180 DAY RULE/ 365 DAY RULE"

To warrant reversal, a jury charge must be erroneous and prejudicial. In light of the unjust denial of stand your ground rights by the fraud, conspiracy and machination, by failing to produce a final written order to establish res judicata and preclusive effect and other outrageous acts which occurred. Such is indeed prejudicial. Errors, including erroneous jury instructions are subject to the harmless error analysis. Since we have the state procuring the conviction by perjured testimony, blocking the required severance of the case, constructively amending the indictments all over the place, taking away the presumption of innocence, denying the right of immunity defense by failing to produce a final written order in support of the oral determination because the trial Judge knew fully well that the State did not meet its burden of proving the appellant was not entitled to the immunity defense. This is not a harmless error. State v. Belcher, 385 S.C. 597, 611, 685 S.E.2d, 802, 809 (2009).

The South Carolina Legislature required the State to prove specific intent to commit murder as an essential element of attempted murder, and therefore the trial court erred by charging the jury that attempted murder is a general intent crime. Thus, the judgment must be vacated and reversed. 1 million For such: State v. King, 412 S.C. 403, 777 S.E.2d, 789 (S.C. App. 2015); State v. Sutton, 340 S.C. 393, 557, 532 S.E.2d, 283 (S.C. 2000); State v. Thompson, 374 S.C. 237, 262, 547 S.E.2d, 702, 705 (Ct. App. 2007); United States v. Hernandez-Monres, 841 F3d, 284 (5th Cir. 2016).

(D) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process Rights violated, as well as Rules Of Court, Rules Of Criminal Procedure, as well as the court's jurisdiction being made void for Due

Process violation, and or they were prohibited from enacting and or invoking and or continuing their Subject Matter Jurisdictionary "[p]owers" due to the "[p]rocedural [d]efect" in that there was no "[w]ritten" (emphasis added) order of continuance obtained pursuant to Article V § 4 of The South Carolina Constitution?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules of Evidence, Rule 201(a).

The appellant gives the court judicial notice. Not only by this document am I arguing against the precedent established by States v. Gentry, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005). The appellant is also arguing against the precedent established by State v. Langford, 400 S.C. 421, 735 S.E.2d. 471(S.C.2012), Joseph v. South Carolina Dept. Of Labor, Licensing And Regulation, 417 S.C. 436, 790 S.E.2d. 763(S.C.App.2016); Stokes--Carven Holding Corp. v. Robinson, 416 S.C. 517, 787 S.E.2d. 485(S.C. App.2016); Johnson v. Johnson, S.E.2d., 2014 WL 2721680(S.C. App.2014).

The petitioner humbly contends, in pursuant to Article V § 4 of The South Carolina Constitution:

"IT IS ORDERED, THAT ALL CRIMINAL CASES IN THE STATE OF SOUTH CAROLINA "[s]hall" BE DISPOSED OF WITHIN (180) DAYS FROM THE DATE OF THE DEFENDANT'S ARREST. Provided, however, the Circuit Court may continue a criminal case beyond the (180) days by "[w]ritten" order (emphasis added), if the court determines that exceptional circumstances exist in the case. This order does not create or define a right to a speedy trial", (See S.C. Rules Of Court 2003 Edition on page 652 and S.C. Rules Of Court 2004 Edition on page 659).



Article V Privileges, Rule 501 General Rule Provides:

"Except as required by The South Carolina Constitution, by The Constitution Of The United States, or by South Carolina statute, the privileges of a witness, person, or the government (emphasis added) shall be governed by the principles of the common law as they may be interpreted by the courts in light of reason and experience. This Rule modifies the Federal Rule to refer to the South Carolina Constitution".

Article V provisions in this case makes it mandatory, draconian, requiring any interpretation of this provision to be referred to the South Carolina Constitution as a primary rule and or first choice, and not to the U.S. Constitution or common law or state law as it pertains to normal administrative matters, especially in light of the fact that we are dealing with a judicial order issued by the S.C. Supreme Court under Article V of the South Carolina Constitution, not the U.S. Constitution. Not only by judicial order, but also, the provisions of the South Carolina constitution are to be deemed and construed as mandatory unless there is some language contained therein that would dictate otherwise.

This order has never been rescinded until 2013. Nonetheless, I am challenging that rescinding which will be elaborated on further. This order was issued by the South Carolina Supreme Court in 1980, renewed in 1999 making it draconian, mandatory, being applicable to every criminal court within the state, and every PCR Court in the state regarding the (365) day provision. The (180) day provision was amended by the S.C. Supreme Court in 2013 to require that all criminal cases be concluded within (365) days. But the appellant falls under the (180) provision via collateral estoppel emerging from case 2013-CP-400-0084 where the issues are sought class action review and the S.C. Attorney General, The S.C. Court Of Appeals and The S.C. Supreme Court are parties to the default.



The S.C. Supreme Court's intent, judicial or otherwise should be ascertained from the plain language of this provision of law. The language must also read in a sense which harmonizes with its subject matter and accords with its general purpose. Once the S.C. Supreme Court has made a choice, there is no room for the court to impose a different judgment based upon their own notions. If the provision of law's language is unambiguous and clear, there is no need to employ the rules of statutory and or common law construction, even pursuant to the court's actions, the court has no right to look for or impose another meaning. Where the language of this provision of law is clear and explicit, the court "[c]annot" rewrite the provision of law and interject matters in the S.C. Supreme Court's language. Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous provision of law, Bass v. Isochem, 617 S.E.2d. 369(S.C.App.2005); State v. Brannon, 666 S.E.2d. 272(S.C.App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. Second Inquiry Fund, 611 S.E.2d. 297(S.C.App.2005).

The revision by the S.C. Supreme Court which occurred in 2013 must be deemed void because it was initiated behind a class based invidiously discriminatory animus in the form of racial hatred, surreptitiously done, to disproportionately effect African Americans and minority populations within this state. Thus, the 2013 amendment runs afoul of Ex Parte Virginia, 100 U.S. 339(1880). When they realized that the inmates of this state discovered how to properly argue this issue which is seen in cases 2006-CP-400-3567, 3578, 3569; 2013-CP-400-0084 in the Richland County Court Of Common Pleas, to which collateral estoppel attaches barring the S.C. Court Of Appeals from challenging this issue since they are, along with the S.C. Supreme Court, parties to the default. The S.C. Supreme Court in acts of racial hatred amended the provision conspiring under color of state law, a provision existing unchanged for over (35) years to "defang" this provision of law. The Article V powers given to the S.C. Supreme Court do not permit them to abrogate, dilute,

waterdown or negate the protections established by Ex Parte Virginia. Thus, the 2013 revision must be deemed void, also due to fraud and Due Process violation. See McCulloch, 17 U.S. at 423; 1997 WL 10291 U.S. (Appellate Brief) Brief Of U.S. Senators Orin G. Hatch et. al.,. The revision is restrictive and runs afoul of Ex Parte Virginia. The same restrictions that apply to the powers of Congress, applies to the powers of the S.C. Supreme Court, to include the powers given to the S.C. Court Of Appeals.

To further bolster the proposition that this Rule, order or provision is mandatory, draconian in nature, the defendant brings the court's attention to South Carolina Rules Of Court 2005 Edition, pages 296, 297, 303 and 304. They state:

Pursuant to Article V § 4 Of The South Carolina Constitution:

"IT IS ORDERED, that upon the filing of a post trial motion under Rules 50, 52, 59 or 60(a) S.C.R.C.P., by a party in any jury or non jury action, the party "[s]hall" within (10) days provide a copy of the motion to the Judge.

IT IS FURTHER ORDERED,****the Chief Judge for administrative purposes in each Circuit shall ensure compliance with this order, also see S.C. Rules Of Court 2013 Edition".

It is perspicuous that if the lower court is not in compliance to Rules 50, 52, 59 or 60(a) by these judicial orders issued from the South Carolina Supreme Court, the higher Court(s) cannot entertain jurisdiction, and must remand for further adjudication by the lower court(s) in question if the motions are not ruled on when timely submitted in accordance to these judicial orders, making this Article V § 4 provision and or order(s) draconian, mandatory in nature. On this premise, the criminal court under the (180) day provision, and or The Court Of Common Pleas under the (365) day provision, "[c]annot" continue to invoke and or enact their "[p]owers" of Subject Matter Jurisdic-

tion if they fail to be in compliance to this order and jurisdictional requisite, even though they do indeed possess such power by legislative statute. They stand in egregious violation of the Due Process Prong to Subject Matter Jurisdiction.

Additional proof that this provision of law is draconian, mandatory in nature, attached the court and parties will find a copy of a similar Article V § 4 order issued from the South Carolina Supreme Court related to placing cases within the Court Of Common Pleas on the complex case docket. Please note the words that are specifically circled by me related to this order. It is perspicuous that by the language of this particular order, the actions of the court are made discretionary by the language contained therein. Note that the language of the Article V § 4 order relied upon for this particular issue is significantly, materially, distinctly different demonstrating that this provision of law is draconian, mandatory in nature.

Pursuant to the government blatantly disobeying this order issued by the South Carolina Supreme Court, in the appropriate case, "the trial court and or other relevant court, shall not hesitate to grant relief, default or a mistrial where its rulings, and or in this case, the orders of The South Carolina Supreme Court, were violated to the prejudice of those they were designed and or intended to protect", Toyota Of Florence Inc. v. Lynch, 314 S.C. 257, 442 S.E.2d. 611, 615(1994); S.C. Rules Of Court annotated, 2006 Edition, pg. 270; Panas v. Panas, S.E.2d., 2010 WL 10088164(S.C.App.2010); Ex Parte Cannon, 385 S.C. 643, 685 S.E.2d. 814(S.C.App.2009); United States v. Peoples, 698 F3d. 185 CA4 (S.C.2012); Holmes v. Holmes, S.E.2d., 2014 WL3369006(S.C.App.2014); IN RE: Joshua R.L., S.E.2d., 2013 WL 8538696(S.C.App.2013); United States v. Boston, 539 Fed. Appx' 209 CA4 (N.C.2013); Sun v. Sun, S.E.2d., 2014 WL 7778971 (S.C.App.2014); IN RE: McDonald, 497 B.R. 489 Bkrtcy (DSC.2013); Ex Parte Lipscomb, 398 S.C. 463, 730 S.E.2d. 320(2012).

To make use of the holdings in State v. Gentry related



to Subject Matter Jurisdiction would be misplaced. That case dealt with indictment defects and it was adjudicated under a cloud of fraud upon the court. The precedent set by State v. Gentry as well as State v. Langford are being challenged Pursuant to S.C.R.A.P., Rule 217. I am arguing against these precedent cases. There is also a default claim emerging from case 2013-CP-400-0084 to which the S.C. Court Of Appeals is party to that default which bars the court from challenging this issue by collateral estoppel. Nonetheless, this issue has absolutely nothing to do with indictment defects. To make use of the holdings made in State v. Culebreth regarding Rule 3(c) would be misplaced. Rule 3(c) is totally administrative. If the honorable court would take notice of the bottom of the page of 652 and 659 as it relates to this mandate. You will see that the administrative factors related to this provision of law have been rescinded. Further, there are two material and distinct differences between Rule 3(c) and this requirement of Due Process Law. Rule 3(c) is not tied to the provisions of The South Carolina Constitution. This requirement of criminal and or civil procedure is. Secondly, Rule 3(c) is not a judicial order issued by the South Carolina Supreme Court. This requirement of Criminal and or Civil Procedure for the General Sessions Court and or Court Of Common Pleas is. This has absolutely nothing to do with a speedy trial issue. I, we, would adamantly object to that notion. A speedy trial is not what the appellant is arguing. This is simply a matter of judicial order; "STARE DECISIS ET NON QUIENTA MOVERE"; South Carolina Rules Of Court; South Carolina Rules Of Criminal and or Civil Procedure (for PCR's) and Due Process Law. Once this provision of law was issued as a judicial order then tied to the provisions of the South Carolina Constitution pursuant to Article V § 4, its observance became mandatory by the provisions contained therein making it draconian in nature.

I, we, are not arguing that the prosecution does not have the right to control his case load. What I am arguing,

is that in order for him to control that case load. There are certain provisions of law and Rules Of Court set into place that would have allowed him to do so, and he and or the court must adhere to those Rules set into place by the South Carolina Supreme Court to control that case load. He was required to obtain a "[w]ritten" order of continuance. I, we, are not arguing that this is a Due Process right conferred upon us by the U.S. Constitution. This is a Due Process right conferred upon us by the S.C. Constutution. Thus, making use of the holdings made in State v. Langford, 400 S.C. 421, 735 S.E.2d. 471(S.C.2012) and United States v. McDonald, 456 U.S. 1, 102 S.Ct. 1497 U.S. (N.C.1982) would be misplaced, especially in light of the fact that we have a default and claims of collateral estoppel which binds the S.C. Court Of Appeals they being party to that action. This emerges from case 2013-CP-400-0084 out of the Richland County Court Of Common Pleas.

S.C. Code Ann §§ 1-7-730, 17-13-150 and 17-25-10 require that the prosecution and or prosecuting body "[s]hall" fulfill and see that all duties, requirements, and Rules Of Criminal Procedure related to Due Process and The S.C. Constitution are adhered to and completed within the court.

In order to understand the meaning of any statute or phrase of law, it is necessary to determine the meaning of the language as it is used in the particular context, Robinson v. Shell Oil Company, 117 S.Ct. 843(1997). Article 12 § 2 utilizes the words "[s]hall provide,...". In this context "[s]hall" is mandatory. See United States v. Meyers, 106 F3d. 936, 941 CA10 (1997). In order to understand the meaning of any word, sentence or phrase, "[t]he Cardinal Rule is that the words should be given their plan and ordinary meaning and or interpretation without the court interjecting into them matters or a construing that's not in the language", Seckinger v. The Vessal Excalibur, 483 S.R.2d. 775(S.C.App.1997); United States v. Ron Pair Enterprises Inc., 109 S.Ct. 1026, 1030(1989); Bass v. Isochem, 617

S.E.2d. 369(S.C.App.2005); State v. Brannon, 666 S.E.2d. 272(S.C. App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. S.C. Second Injury Fund, 611 S.E.2d. 297(S.C. App.2005).

Article 1 § 23 Of The South Carolina Constitution dictates:

"The provisions of The South Carolina Constitution shall be taken, deemed and construed to be mandatory and or prohibitory and not merely directory, except where made directory or permissory by its own terms".

Since the appellant is arguing the claim of default and collateral estoppel emerging from case 2013-CP-400-0084, which binds the S.C. Court of Appeals who are party to that default. The appellant would fall under the old Article V § 4 order before the 2013 revision where the original cases subjudice to 2013-CP-400-0084 are 2006-CP-400-3567, 3568 and 3569 demonstrating that the issue was before that court since 2006. This also applies since the 2013 revision was an act of machination on the part of the S.C. Supreme Court, conspiring with the S.C. Attorney General under color of state law, who had control over Judge Jean Toal due to her past DUI arrests and or troubles producing fraud upon that court via her influence. This was also done behind a class based invidiously discriminatory animus, in the form of race. Once the parties realized that the predominately minority inmates discovered how to properly argue the issue via case 2013-CP-400-0084. The S.C. Supreme Court conspiring with the S.C. Attorney General revised the Article V § 4 order to water down the S.C. Constitution Due Process requirement to dilute the protections set in place by Ex Parte Virginia, 100 U.S. 339(1880), to place into effect an Article V § 4 determination that they knew beforehand would disproportionately affect African Americans and other minorities within this state, in retaliation, because the minority inmates now figured out



how to properly argue this issue. Just like in cases such as, Edward Kennedy, 2000 WL 35763420(2000); City Of Rome v. United States, 446 U.S. 156(1980); South Carolina v. Katzenbach, 383 U.S. 301(1966); Plaut v. Spendthrifts Farms, Inc., 115 S.Ct. 1447(1995); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826(1841). Their actions produce a result that is not given to them via their Article V powers and or privileges, nor by the S.C. Constitution and serve to aid in establishing a form of modern day slavery as is defined in the C.A.T. Treaty that Congress signed off on and ratified, which voids their jurisdiction for Due Process violation. Due to this, to include the claim of default and collateral estoppel emerging from case 2013-CP-400-0084. The appellant falls under the old provision of law before the fraudulent 2013 revision which runs afoul of the protections established by Ex Parte Virginia.. Also see 1997 WL 10291 U.S. (Appellate Brief) Brief Of U.S. Senators Orin G. Hatch, Strom Thurmond et. al.; Oregan v. Mitchell, 400 U.S. 112(1971); Croson, 488 U.S. at 490; McCulloch, 17 U.S. at 423. Just like Congress would be prohibited from initiating such action, so would the S.C. Supreme Court, Mississippi Univ. For Women v. Hogan, 458 U.S. 718, 732(1982); Adarand Contractors Inc. v. Pena, 115 S.Ct. 2097(1995).

Therefore, it can be factually stated, that not only by the provisions of Article V § 4 of The South Carolina Constitution, also by judicial order issued by the South Carolina Supreme Court. It is mandatory that the appellant's Due Process matters be disposed of before the criminal court within (180) days of his arrest. If the court would take notice of the arrest warrants and or indictments as they pertain to these matters. The court will see that the appellant was arrested on July 31, 2013. If the court would take notice of the sentencing sheet and or trial transcript. The court would see that the appellant's Due Process matters were not disposed of until March 17, 2016. By the date of arrest this means that the appellant's Due Process matters should have been disposed of by January 31, 2014. Yet they were not disposed of until March 17, 2016 approximately

over (3) years past the (180) days prescribed by judicial order and the provisions of The South Carolina Constitution. Even if the court would assess the time via the fraudulent 2013 revision. The conspiring parties would still be (1½) years past the (365) day revision. This voids the trial court's jurisdiction for Due Process violation. There is no "[w]ritten" (emphasis added) order of continuance filed with the Clerk of Court before the (180) day period, or even the (365) day period expired, or that was served on the defendant. Such an order of continuance by the defendant's rights of Due Process and pursuant to judicial order issued by the S.C. Supreme Court "[c]annot" be obtained after the fact because without this essential jurisdictional requisite. Jurisdiction would be made void for Due Process violation on that date of failure to be in compliance, which include any act done beyond the prescribed time period. This includes the trial itself and the signing of the commitment order derived from it. The "[w]ritten" order of continuance "[m]ust" be obtained before the (180) and or (365) day time period expires. To go beyond the prescribed time period and or deadline without a "[w]ritten" (emphasis added) order of continuance creates a "[p]rocedural and [j]urisdictional [d]efect", which "[v]oids" the trial court's "[p]owers" of Subject Matter Jurisdiction and or their "[p]ower" and or "[a]bility" to enact and or invoke and or continue its "[p]owers" of Subject Matter Jurisdiction in compliance to judicial order issued from the South Carolina Supreme Court, Rules Of Court and Due Process Law to adjudicate the appellant's trial. This is to be adjudicated under the Due Process Prong To Subject Matter Jurisdiction as was defaulted on by this state to which the S.C. Court Of Appeals is party to the default.

The appellant places forth this issue in a straightforward fashion and want to make certain that there is no misunderstanding as to the specific claims and or question that is placed before the court. The defendant is not arguing whether or not the criminal court has Subject Matter Jurisdiction to hear and



determine cases of "[t]his" general class to which the proceedings in question belong. The appellant concedes this fact. The appellant in this context agrees with all (3) Gentry, Cotton and Parkhurst court(s) when they determined that the criminal courts do have Subject Matter Jurisdiction to hear cases of this nature and class. This is not the issue or is it what the appellant is arguing. What the appellant is indisputably arguing is a question which clearly was not answered by either the Gentry, Cotton or Parkhurst court(s) is this. Despite the fact that the criminal court does have Subject Matter Jurisdiction to hear cases of this general class to which the proceedings in question belong via State legislative statutes and or Congressional intent. Do their egregious, blatant failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites", at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process; which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction. Do their their blatant, egregious failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites" at various phases of, or at the commencement of the Subject Matter Jurisdictionary,....halt, check, constrain, restrain, limit, arrest, stop or void the continuance of the Subject Matter Jurisdiction "[p]ower" before the court, which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction, even though the court without a doubt do indeed possess such "[p]ower" by state legislative statute and or Congressional intent? This is a crucially, materially, distinctly different question related to Subject Matter Jurisdiction that was never answered by any of the (3) three courts involved pursuant to Gentry. This is a new question of law and fact, a challenge to the precedent set by the Gentry case. Thus, making use of the holdings made in the Gentry court would be misplaced. Such a new question of law and fact is not barred in seeking relief for, does relate to Subject Matter jurisdiction, "[c]annot" be waived by the appellant, can be raised at "[a]ny"

time, including for the first time on appeal, and the court "[s]hall [n]ot" fail to take notice. No timely objection is needed to preserve this issue. This is being argued under the Due Process prong to Subject Matter Jurisdiction, Grupo Dala-flux v. Atlas Global, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.ED.2d. 866(2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240; White v. Manis, 2014 WL 1513280(DSC.2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); Hunt v. United States, F.Supp.2d., WL 5131716(DSC.2007); Brown v. United States, 2014 WL 2871398(DSC.2014).

The trial court, and or prosecuting body, acting arbitrarily, conspiring under color of state law, in blatant defiance to Rules of Court; S.C. Supreme Court judicial order, and the provisions of the South Carolina Constitution has failed to be in compliance to their own state laws in violation of the appellant's substantial Federal Constitutional rights of Due Process under the 6th. and 14th. amendment(s). Then to conceal this injustice. The S.C. Attorney General, due to Judge Toal's legal matters, compromises that court and get them to make effort to water down this provision in the 2013 revision behind a class based invidiously discriminatory animus in the form of race in violation of the holdings made in Ex Parte Virginia. Thus, the Article V § 4 order before the revision must stand, especially in light of the fact that the state defaulted on this issue in case 2013-CP-400-0084 to which the S.C. Court Of Appeals is also party to that default. This voids the trial court's jurisdiction for Due Process violation as well as for violations of 18 U.S.C. §§ 242 and 1001, United States v. Walsh, 194 F3d. 37(2nd.Cir.1999); United States v. Pirro, 212 F3d. 89(2nd.Cir. 2000); Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Jones v. State Of Arkansas supra.; Hicks v. Oklahoma Supra.; Dozier v. Loop College, City Of Chicago supra.; Lugar v. Edmondson Oil Co. supra.

Subject Matter Jurisdiction is the "[p]ower" to hear and determine cases of a general class to which the proceedings in question belong, Bell v. Monsanto Corp., 579 S.E.2d. 325 S.C. 553(S.C.2003). Inasmuch, Subject Matter Jurisdiction does not only cover and or involve whether or not the matter resides in a proper court of jurisdiction to hear and determine it. This is specifically, only, the first prong to Subject Matter Jurisdiction. The court's "[p]ower" to hear and determine a case, is also defined as the court's "[a]bility" to hear and determine a case. Thus, Subject Matter Jurisdiction also involves any issue or matter that may "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to act in accordance to Rules Of Court, Rules Of Criminal Procedure and Due Process Law. This is clearly established by the Due Process Prong to Subject Matter Jurisdiction, which is the second prong. Such matters can be raised at "[a]ny" time, "[c]annot" be waived by the appellant, and the court "[s]hall [n]ot" fail to take notice, Mathis v. State, 355 S.C. 87, 584 S.E.2d. 366(S.C.App.2003); State v. Browning, 320 S.C. at 368, 46 S.E.2d. at 359; State v. Munn, 357 S.E.2d. 461(S.C.1987); Brown v. United States, 2014 WL 2871398(DSC.2014); Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007).

Without a "[w]ritten"(emphasis added) order of continuance filed with the Clerk Of Court issued before the (180) and or (365) days expired within the trial court, jurisdiction is made void for Due Process violation, to include any act done thereafter which includes the signing of any commitment order and or sentencing sheet. The trial court and prosecutor were prohibited from continuing the cause. Thus, the sentence and conviction must be reversed and vacated. The Appellant motions for such.

~~2) Did the trial court err, and was the appellant's
due process right, Amendment 14 to the U.S. Constitution
violated, as well as Article IV § 2, and his due process rights.~~

EXHIBIT, "INDICTMENT DEFECTS"

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(9) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the indictment(s) for attempted murder's failure to properly and or sufficiently apprise the appellant of the "[t]ime" of assault(s), in the body of the charging instrument, as "[t]ime" is recognized by law?

The appellant did not object to this defect and or error at the time of his trial and or before he gave his guilty plea, but the defect and or error serves to render the indictment wholly invalid. Defects and or errors in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments and Information § 299(1968); State v. Munn supra.. Subject to certain minor exceptions not present, the trial court is prohibited from enacting and or invoking its subject Matter jurisdictionary "[p]ower" given to them by state statutes to convict a defendant for an offense, when there is no indictment charging him with that offense when the jury is sworn, and or before he gives his guilty plea, where such an action would "[v]oid" the court's jurisdiction for Due Process violation, State v. Beachum, 288 S.C. 325, 342 S.E.2d. 597(1986); Grupo Dalaflex v. Atlas Global Group L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240.

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra. 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitu-

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tional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

The appellant humbly contends his 5th., 6th., 14th. amendment rights of the U.S. Constitution were violated, as well as Article IV § 2, and his Due Process rights were violated for the charge in question, because the charging instrument, in the body of the indictment does "[n]ot" state the exact time and or date of the alleged assault(s) as time is recognized by law, which is a necessary and requisite element of the offense for murder and or attempted murder, being made a part of the critical elements of the offense. For example, in State v. Rector, 158 S.C. 212, 155 S.E. 385(1930), the Supreme Court [s]pecifically and [u]nequivocally, with [c]larity and [p]articularity, stated in Haec [V]erba:

"The State "[m]ust" prove not only the assault and death occurring from it, but also the "[t]ime" of the assault and the "[t]ime" of the death, as "[t]ime" is recognized by law. In addition the state "[m]ust" prove the "[p]lace" of the assault, and the "[p]lace" of death*****".

These necessary elements of the crime "[m]ust" not only be proven before a person may be lawfully convicted, but they "[m]ust" be alleged within the body of the charging instrument, be passed upon by the Grand Jury in the indictment returned against the defendant in accordance to the constitutional rights of the accused(emphasis added).

Assault And Battery With The Intent To Kill embraces the whole of attempted and visa versa. The elements to prove the crimes are the same as it is for murder with the exception of the death ensuing from it, State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d. 283, 285(2000).

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Inasmuch, it is the body of the indictment(s) that is the [v]ital part of the charging instrument, State v. Tate, 345 S.C. 577, 549 S.E.2d. 601(S.C.2001), and it "[c]annot" be so cryptic or the wording so loose, vague and ambiguous as to fail to comply with the basic right of the accused to be fully informed as to the "[c]ause and [n]ature" of the accusation being levied against him, which is one of the defendant's most basic, fundamental, and universally recognized rights of Due Process, Smith v. O'Grady, 312 U.S. 329, 61 S.Ct. 572(1941); State v. Tabory, 262 S.C. 136, 141, 202 S.E.2d. 852(1974)(holding that the state may not support a conviction * 334 for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment). Also see S.C. Code Ann § 17-25-10; United States v. Masotto, 73 F3d. 1233 cert. denied 117 S.Ct. 54, 136 L.Ed.2d. 18; Castillo v. Holder, ---F3d.---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.App.2011).

Insomuch, the statutory text of S.C. Code Ann §§ 17-19-20 and 17-19-30 also as a fact of "[W]ritten [L]aw", require that the "[t]ime" of the offenses be stated in the body of the charging instrument of the indictment. The language in the charging instrument for attempted murder in question alleges that the assault occurred "ON OR ABOUT" July 28, 2013. Could this mean July 29th., 30th., August 1st., 2nd., 3rd., 4th., 7th., 10th., 13th., July 27th., 25th., 23rd., 20th., 19th., 15th.? All of these dates can be considered as "ON OR ABOUT" July 28, 2013. The State knew and could have easily allege the exact date of the supposed assault(s). This means that this failure to assert the exact time of the assault(s) was an arbitrary judicial action. Murder is a composite crime. Thus, they, by not alleging an exact time of assault have in some respects destroyed the identity of the Corpus delicti. This cannot be deemed reasonable notice. It is the appellant's contention that this is "[n]ot" a proper or sufficient "[t]ime" of assault, which is made part of the essential elements of the offense, which must be alleged within the body of the charging instrument,

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passed upon by the Grand Jury and returned against the accused in accordance to the Constitutional Due Process rights of the defendant. This produces substantial prejudice, denying the defendant his right to proper and or sufficient notice, and serve to deny him the Equal Protection of the Laws.

The appellant contends, that a panel of jurors that embodied the Grand Jury upon their oaths aforesaid, stated the mortal blow and or assault occurred "ON OR ABOUT" July 28, 2013. This is not an exact time of assault. Thus, it becomes a false and invalid oath, tainting this oath producing fraud and misrepresentation requiring that the indictment(s) be quashed. It is universally recognized that every oath "[m]ust" be founded upon "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE CERTA SCIENTIA). The reality is that such oath was not founded upon certain knowledge where the Grand Jury who swore to such indictments, did not discover as they supposed that the exact "[t]ime" of the assault had not been alleged in the indictment. Failing to properly state the time of assault of the alleged crime are clear grounds that would demand that such a judgment be reversed, especially in light of the overwhelming prejudice to the appellant's Due Process rights. By this injustice the appellant was denied opportunity to make claims of alibi or actual innocence where the State would be permitted to assert the assault occurred on the numerous days afore claimed by alleging "ON OR ABOUT". The law is clear on this issue. No one can say what was in the mind of the Grand Jury which allowed the trial jury to speculate that the Grand Jury intended the time to be exactly July 28, 2013 where by making use of the term "ON OR ABOUT" such is not clear, or is it an exact asserted time of assault. This also denied the appellant his Due Process right to meet the charge by being able to call specific witnesses who could have clearly proven the assault did not occur on all those vague "ON OR ABOUT" dates the appellant previously listed. It is truly unnecessary to cite authority to the fact that it is absolutely essential in an indictment for murder, and in this case, attempted murder, that the exact "[t]ime" of assault and or death of the decease

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party, or in thi case, the assaulted party, should be alleged therein, and in absence of such allegation said indictment is fatally defective and should be quashed and or judgment arrested upon motion made, which is done, and further, such a defective indictment is beyond the reach of amendment or repair as in a similar matter as it pertains to "[p]lace" of assault and death, for the indictment to a great extent destroys the identity of the corpus delecti, State v. Blakeney, 33 S.C. 111, 11 S.E. 637 infra State v. Stewart, 26 S.C. 125, 1 S.E. 468; Ball v. United States, 140 U.S. 118, 11 S.Ct. 761, 35 L.Ed. 377; State v. Platt, 154 S.C. 1, 151 S.E. 202.

In State v. Kennedy, (L.A.)(1845) 8 Rob. 590, the court in holding an indictment for murder bad, as not alleging the time and or place of the death said: "The material fact in murder are the mortal stroke and the consequent death being a composite crime, and the death "[m]ust" appear upon the record and or on the face of the indictment to have occurred within one year and a day from the time when the mortal stroke was given". The averment then of each of these material facts "[m]ust" under well established rules of criminal pleading be accompanied by an allegation of a certain time and or place, to include not alleging "ON OR ABOUT" as it pertains to time.

To amplify this proposition, in State v. Rallo, 403 S.E.2d 653 (1991), the court in relevant part stated [v]erbatim:

"It is true that the State need not prove the exact time and or date set forth in the indictment(s), unless "[t]ime" is an essential element of the offense, or is made part of it", Id. at 655.

In State v. Ham, 259 S.C. 118, 191 S.E.2d. 13(S.C.1972). The South Carolina Supreme Court stated in Haec [V]erba:

"If '[t]ime' is '[n]ot' of the essence or gist of the offense, the '[p]recise [t]ime' of which the offense is

charged to have been committed is '[n]ot' material".

On the other side of the spectrum of this language, the "[p]recise [t]ime" at which the offense is said to have been committed "[i]s" material if "[t]ime" is of the essence or gist of the offense as it is in this case.

Inasmuch, to be "ON POINT", in State v. Pierce, 207 S.E.2d 414, which is a murder precedent, the indictment charged that the offense and or crime occurred on a certain date, and does "[n]ot" charge "ON OR ABOUT". The State knew the exact time of assault and also knew that "time" was an essential element of the offense. But they figured since they thought they got away with that Gentry fraud. They continued the arbitrary act and disregarded the appellant's Due Process rights.

Hence, by the Doctrine of "STARE DECISIS ET NON QUIENTA MOVERE", an indictment "[m]ust" properly set forth all the essential elements of the offense. By Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887 (1974), it is well established and recognized under American Jurisprudence: That if an indictment fails to charge all necessary elements, it fails to charge the offense. If it fails to charge the offense, such violates the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his rights of Due Process which "[v]oids" the trial court's jurisdiction for Due Process violation. Thus, the sentence and conviction "[m]ust" be vacated, United States v. Masotto supra.; Castillo v. Holder supra.; State v. Brandt supra.; United States v. Cabrera-Teron, 168 F3d. 141 (5th.Cir.1999); United States v. Pupo, 841 F2d. at 1239(4th.Cir.1988)(En Banc); United States v. Hooker, 841 F2d. 1225(4th.Cir.1988); U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240; White v. Manis, 2014 WL 1513280(DSC. 2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007); Brown v. U.S., 2014 WL 2871398(DSC.2014).

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appellant supposedly acted in concert with, in the same vein, the indictment for conspiracy's failure to allege who it was that the appellant conspired with, in the body of the charging instrument?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

The appellant did not object to these defects and or errors at the time of his trial and or before he gave his guilty plea, but the defect(s) and or error(s) serve to render the indictment(s) wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d Indictments And Information § 299(1968); State v. Munn supra.

It is universally recognized that an indictment "[m]ust" contain certain [s]pecification of [a]cts and [c]ircumstances as well as on its [f]ace fix and determine the identity of the offense with such [p]articularity, that it will enable the defendant to know with sufficient [c]ertainty what he has to face at trial to give him or her a fair opportunity to prepare his defense to avail him or herself of conviction, or acquittal as a bar to further prosecution arising out of the same facts,

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State v. Rallo, 403 S.E.2d. 653(1991); State v. Hardee, 279 S.C. 409, 308 S.E.2d. 521(1983); Locke v. State, 341 S.C. 54, 533 S.E.2d. 324(2000); IN RE: Jason T., 340 S.C. 455, 531 S.E.2d. 544(S.C.App.2000); State v. Parker, 344 S.C. 250, 543 S.E.2d. 255(S.C.App.2001).

S.C. Code Ann § 17-19-10 Provides:

"All offenses shall be prosecuted by Grand Jury indictment(s). Thus, no person shall be held to answer in any court for any alleged crime or offense unless upon indictment by a Grand Jury".

S.C. Code Ann § 17-19-20 Provides:

"Every indictment shall be deemed and judged as good and sufficient in law, which in addition as to allegations as to time and place as required by law, charges the crime substantially in the language of the common law of the statute, prohibiting the crime and so plainly that the nature of the offense charged may be easily understood***".

Insomuch, it is the body of the indictment which is the [v]ital part of the charging instrument, State v. Tate, 345 S.C. 577, 549 S.E.2d. 601(S.C.2001), and it "[c]annot" be so cryptic or the wording so loose, vague and ambiguous as to fail to comply with the basic right of the accused to be "[f]ully" informed as to the "[c]ause and [n]ature" of the accusation being levied against them, which is one of the most basic, fundamental and universally recognized rights of Due Process, Smith v. O'Grady, 312 U.S. 329, 61 S.Ct. 572(1941); State v. Tabor, 262 S.C. 136, 141, 202 S.E.2d. 852(1974)(Holding that the state may not support a conviction * 334 for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment).

Subject to certain minor exceptions not present, jurisdic-

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tion is made void for Due Process violation, and the trial court is prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers" to convict a defendant for an offense, when there is no indictment charging him with that offense when the jury is sworn, and or before he gives his guilty plea even though the court does possess such "[p]ower" given to them by legislative statute, State v. Beachum, 288 S.C. 325, 342 S.E.2d. 597(1986); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 126640; White v. Manis, 2014 WL 1513280(DSC.2014).

Federal Rules of Procedure, Rule 7(c) requires that an indictment contain a "[p]lain", "[c]oncise" and "[d]efinite" written statement of essential elements and or allegations constituting the offense charged. The indictment Clause of the 5th. Amendment require that the indictments contain some amount of factual particularity to ensure that the prosecution will not fill in elements of his case with facts other than those considered by the Grand Jury, United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982).

If the court will please take notice of the indictment(s) for attempted murder. They read: "That in Berkeley County, South Carolina, ****~~the defendant~~, ****, while acting in concert with codefendant, discharged a firearm at the victim, ****".

The indictment for conspiracy reads:

"That in Berkeley County, ****the defendant ~~the defendant~~ did combine, conspire, confederate, agree or have tacit understanding with another, for the purpose of committing a crime, to wit, attempted murder.*****".

These are the generic terms of the statute for conspiracy. Inasmuch, the indictment(s) are to vague and cryptic. The attempted murder indictment(s) do not say what weapon was supposedly used, and both the attempted murder and conspiracy in-

dictment(s) do not allege who it was the appellant conspired with. The court and prosecution did add these elements and or aggravating factors that were not passed upon by the Grand Jury. Did the appellant possess a handgun, a slingshot, a dirk, a machete, an uzi, an AKA-47 or a rocket launcher? The indictments do not say. Did the appellant allegedly conspire with "Sponge Bob", "Barrack Obama", Donald Duck Trump and the alt right", Bugs Bunny" or "Michael Jackson" who came back from the dead? The indictment(s) do not say. This is why they conspired under color of State law, in acts of prosecutorial misconduct as well as in acts of fraud upon the court and denied the motion for severance, which extremely prejudiced the appellant, permitting them to constructively amend the indictments before the court. This extreme prejudice caused actual substantive disadvantage where these material averments were not passed upon by the Grand Jury in the body of the charging instrument. This act led to said constructive amendment and denial of the motion for severance by fraud, depriving the appellant of proper notice giving way to arbitrary judicial action in violation of Due Process law, voiding jurisdiction for Due Process violation. This issue is also preserved for appellate review where the attorney for the defense argued that the State did not prove the indictments or elements of the motions for dismissal, direct verdict and severance, Castillo v. Holder, ---F3d.---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011).

The language in the indictment(s) is so vague, so loose, so cryptic and ambiguous it is almost impossible for the appellant to know what he is called upon to meet and defend. What weapon was the appellant in possess of? As far as the appellant can tell, it must have been a ~~surface~~ ^{surface} to air missile or rocket launcher. As far as the appellant can tell, in whom it was that he allegedly conspired with. It could have been Napoleon Bonapart after he battled at Waterlouw or Genghis Khan after he left the Asian Continent, where these people were resurrected from the dead. No one can say what was in the mind of the Grand Jury. This "[c]annot" be deemed as reasonable notice, which is why

the court denied the motion for severance, to constructively ⁵³ amend the indictments where the jury would have been able to only speculate had this not been done. The indictments cannot be deemed as sufficient if the prosecution is permitted to prove all these materially different sets of facts, to include any other set of facts not passed upon by the Grand Jury, subjecting the appellant to "Indictment Ambush" at the onset of the proceedings, voiding their jurisdiction for Due Process violation, State v. Keith, 283 S.C. 597, 598, 325 S.E.2d. 325, 326(1985); State v. Bullock; United States v. Masotto, 73 F3d. 1233 cert. denied 117 S.Ct. 54, 136 L.Ed.2d. 18; Castillo v. Holder, --- F3d. ---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011); S.C. Code Ann § 17-25-10.

The requirement of the indictment(s) limit and constrain the Subject Matter Jurisdictionary "[p]owers" of both the prosecution and the court by limiting what can be presented at trial, conviction and sentencing, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309. It is the command of the U.S. Constitution, that anything to the contrary is notwithstanding, (Article IV § 2 U.S. Const.); S.C. Code Ann § 17-25-10.

The State and or prosecuting body, acting unjustly, arbitrarily, conspiring under color of law, has egregiously failed to adhere to their own state laws, serving to deny the appellant the Equal Protection of the Laws against unjust, arbitrary prosecution and judicial action in acts of fraud upon the court, Great Coastal Exp. Inc. supra., 675 F2d. 1349(4th.Cir.1982); Fox Ex. Rel. Fox v. Elk Run Coal Co. Inc., 739 F3d. 131(4th. Cir.2014); U.S. v. Beggerly, 524 U.S. 38, 118 S.Ct. 1862, 141 L.Ed.2d. 32(U.S.1998); Blue Sky Travel and Tours, LLC v. Al Tayyer, ---Fed. Appx'---, 2015 WL 1451636 CA4 (Va.2015); Barlow v. Colgate Palmolive Co., 772 F3d. 1001, 90 Fed. R. Serv.3d. 85 CA4 (Md.2014); U.S. v. Tejada, 445 Fed. Appx' 719, 2011 WL 3891825 CA4 (S.C.2011); Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin.

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v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Hicks v. Oklahoma supra.; Jones v. Arkansas supra.; Lugar v. Edmondson Oil Co. supra.; Greenwood v. Peacock, (1966) 384 U.S. 808, 16 L.Ed.2d. 944, 86 S.Ct. 1800; United States v. Otherson, (1980 CA9 Cal.) 637 F2d. 1276 cert. denied (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; S.C. Code Ann § 17-25-10.

In United States v. Hooker, 841 F2d. 1225, 1227(4th.Cir. 1988)(EN BANC) and in Russell v. United States, 82 S.Ct. 1047 (1962), the court held:

"It is an elementary principle where the definition of the offense(s) charged, whether it be at common law or statute, include generic terms, it is "[n]ot" sufficient that the charging should be in the same generic terms of the statute, but it "[m]ust" descend to "[p]articulars".

WE HOLD, a mere citation of the statute of which the defendant is charged with violating is insufficient to cure the failure of the indictment(s) to charge each essential element and or allegation of the offense because a mere citation alone does not ensure that the Grand Jury considered and found the crucial elements and or facts of the offense". The appellant also cannot be subjected to language that violate his rights to double jeopardy protection.

Hence, by the Doctrine of "STARE DECISIS ET NON QUIENTA MOVERE", and indictment "[m]ust" properly set forth all essential elements of the offense. By Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887(1974), it is well established and recognized under American Jurisprudence: That if an indictment fails to charge all the necessary elements, it fails to charge the offense. If it fails to charge the offense or subject a person to double jeopardy, such violates the appellant's 5th., 6th. 14th. Amendment rights of the U.S. Constitution, as well as Article IV § 2, and his rights of Due Process, voiding the court's jurisdiction.

EXHIBIT, "CONSTRUCTIVE AMENDMENT"

violated, by the trial court and or plea court allowing constructive amendment of the indictment(s) at the appellant's trial and or plea hearing?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

Subject Matter Jurisdiction can be raised at "[a]ny" time, "[c]annot" be waived by the appellant, can be raised for the first time on appeal and the court shall not fail to take notice, Grupo Dalaflux v. Atlas Global Group, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240; South Carolina Department Of Social Services v. Tran, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCain v. Brightharp supra..

It is the body of the indictment which is the [v]ital part of the charging instrument, State v. Tate supra., and it "[c]annot" be so cryptic or the wording so loose and ambiguous as to fail to comply with the basic right of the accused to be fully informed as to the "[c]ause and [n]ature" of the accusation being levied against him, which is one of his most basic, fundamental, and universally recognized rights of Due Process, Smith v. O'Grady supra.; State v. Tabor supra.. Reliance upon

a caption to bolster a fatally defective indictment is therefore contrary to the constitutional mandate that for most offenses, a defendant may only be required to answer an indictment of a Grand Jury that is deemed good, S.C. Const. Article 1 § 11; cf. State v. Tabor supra. (holding that the state may not support a conviction for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment).

Insomuch, the indictment(s) for attempted do not properly and or sufficiently apprise the appellant of the "[c]ause and [n]ature" of the offense, or of what he is called upon to meet and defend because they do not allege an exact time of assault as time is recognized by law. The wording is too loose, and vague making use of the term "ON OR ABOUT". Such deprives the appellant of the right to call witnesses to defend the cause because he cannot establish an exact date. It deprives him of the right to establish alibi not being certain of said exact date. "ON OR ABOUT" July 28, 2013 can be any day within a (3) month radius before or after that date. The material fact in murder are the mortal blow and the subsequent death occurring from it being a composite crime and the death "[m]ust" appear upon the record or indictment as having occurred within a year and a day of each other, (ei. when the mortal blow was given). The averment then of each of these material facts [m]ust under well established Rules of Criminal pleading be accompanied by an allegation of a certain time and or place to include not alleging "ON OR ABOUT" as it pertains to time. Assault and Battery With Intent To Kill embraces the whole of attempted murder and visa versa. The elements to prove the crimes are the same as it is for murder with the exception of the death ensuing from it. The indictment(s) for attempted murder also do not allege who it was that the appellant conspired with as is the same as the conspiracy indictment(s). The Attempted murder indictment(s) do not allege what weapon it was that was allegedly used in the crime. No one can say what was in the mind of the Grand Jury as to what exact date of the assault was to be adjudi-

cated, being an essential element of the offense. The indictments don't say who it was that the appellant conspired with. As far as the appellant can tell, the indictment asserts that he went back in a time machine and brought back Napoleon Bonapart, Genghis Khan, John Wayne and Julius Ceasar and conspired with them. As far as the appellant can tell from the indictment(s) he was in possession of a M-60 machine gun or a surface to air rocket launcher. No one can say what was in the mind of the Grand Jury. The language is too vague, subjecting the appellant to arbitrary judicial action and process. The language is so cryptic, loose and vague it creates an enigma as to what the appellant is called upon to meet and defend setting the appellate up for "INDICTMENT AMBUSH" at the onset of his proceedings. The indicments cannot be deemed sufficient if the prosecution is permitted to prove all these different material sets of facts. The indictments in question do not descend to an exact time and or who it was the appellant conspired with or what weapon was used. These crucial elements and or averments must be passed upon by the Grand Jury in accordance to the constitutional rights of the accused. To not allege these crucial elements and or allegations in the body of the charging instrument returned against the accused, having them passed upon by the Grand Jury, then, thereafter the trial court and or plea court and or prosecuting body adds or modifies these material averments in one form or the other, to assert these crucial elements and or averments, not confirmed or passed upon by the Grand Jury within the proceedings, and allow a trial and or plea hearing to go forward, where such were not passed upon by the Grand Jury, is constructive amendment of the indictment(s). No one can say what was in the mind of the Grand Jury, See S.C. Code Ann. §§ 17-19-10, 17-19-20, 17-19-30, 17-25-10; State v. Hardee supra.; State v. Rallo supra.; State v. Parker supra.; Locke v. State supra.; State v. Tate supra.; State v. Tabor supra.; United States v. Abrams supra.; State v. Keith supra.; State v. Rector supra.; Smith v. O'Grady supra.; United States v. Masotto supra.; Castillo v. Holder supra.; State v. Brandt supra.; State v. Blakeney supra.; State v. Stewart supra.; Ball v. United States

supra.; State v. Platt supra.; State v. Kennedy supra.; State v. Ham supra.; State v. Pierce supra.; Hamling v. United States supra.; United States v. Hooker supra.; United States v. Pupo supra.; U.S. v. \$41,320 U.S. Currency supra.; State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d. 283, 285(2000).

In regard to the constitutional structural error and or defect in the indictment(s), as constructed in all (33) states that make use of an indictment, also the remaining (17) states that make use of a criminal complaint, and all (50) states that make use of an indictment under Federal captivity, taking away the presumption of innocence and automatically shifting the burden of persuasion, predetermining in advance the outcome of the proceedings by the language contained therein. According to the findings and or language of the indictment(s) produced by The Grand Jury, under the plain language Rule, the appellant is already found guilty and convicted. The Grand Jury does not have the power and authority by State and or Federal Law, or by State and or Federal Constitution to convict a defendant. The law is clear. The Grand Jury "[m]ust" refrain from even making an "[o]pinion" as to a person's guilt. How much more egregious and criminal where they swear upon their "[o]ath" (emphasis added) our guilt? This is an egregious violation of their shielding function. This serves to aid in establishing modern day slavery which too, they do not have the power or authority to do, where we can no longer be deemed "DULY"--meaning "PROPERLY" convicted in violation of S.C. Code Ann § 17-25-10, Due Process Law and the provisions of the 13th. amendment. For the Grand Jury to produce indictments that state, adjudicate and or charge that the defendant is not only guilty of the crimes charged, to include the "MENS REA" elements related to the offenses; then, thereafter, the court alters the charge(s) of the indictment(s), to include the "MENS REA" elements, and charge that the defendant is innocent until proven guilty, and the State court or Federal government or prosecuting agents aid them, conspiring under color of state law and or authority, turning the blind eye and deaf ear in doing so, is constructive

amendment of the indictment(s), and changes the very nature of the allegations returned by the Grand Jury. This too creates an instant double jeopardy issue. To accept a guilty plea, and or to take a defendant to trial on charges in an indictment for which he has already been found guilty of, violates Due Process and is double jeopardy. No one can say what was in the mind of the Grand Jury as to whether or not they intended to illegally take upon themselves the role of the trial jury and determine guilt of the offenses not allowing any subsequent adjudication to occur rendering any subsequent proceeding "[v]oid" for Due Process violation. This means that this is an error which can only be corrected by the Grand Jury and not the trial jury, prosecutor or court. Even the Gentry court could not adjudicate that case where it was prematurely determined by the Grand Jury. This produces a Subject Matter Jurisdiction issue under the Double Jeopardy Clause and law, which is to be adjudicated under the Due Process violation prong to Subject Matter Jurisdiction. This further serves to validate that the structural constitutional error and or defect affect the framework of the proceedings and cannot be viewed as harmless, because the court "must" constructively amend the indictment(s) on the "MENS REA" element(s) of the offense(s) to correct, or in an effort to correct the structural constitutional error in acts of fraud upon the court and modern day slavery, The Amistad supra.; State v. Easler, (S.C.1997) 327, 121, 489 S.E.2d. 617; State v. Lewis, (S.C.App.1996) 321 S.C. 146, 147 S.E.2d. 265; Sandstrom v. Montana supra.; Morisette supra.; United States Gypsum Co. supra.; Humanik v. Beyers supra.; United States v. Clemens supra.; Martin v. Ohio supra.; Robinson v. Arvonio supra.; United States v. Briggs supra.; United States v. Chadwick supra.; Compare Pierson v. Ray supra.; Jenkins v. McKeithen supra.; Branzburg v. Hayes supra.; Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923); United States v. Direct Sales Co., 40 F.Supp. 917 D.C.S.C.(1941); United States v. Atlantic Commission Co., 45 F.Supp. 187 D.C.N.C.(1942); State v. Boyd, 2 Hill (S.C.) 288, 1834 WL 1573 S.C. App. L. & Esq. 1834; State v.

Bramlett, 166 S.C. 323, 164 S.E. 873(S.C.1932); Beck v. Washington, 369 U.S. 541, 82 S.Ct. 955 U.S. Wash. (1962); State v. Tollin, 352 S.C. 235, 573 S.E.2d. 812(S.C.App.2002); Byers v. Reynolds, 2011 WL 7063638, * 8 (DSC.2011); United States v. Jefferson, 546 F3d. 300 CA4 (Va.2008); IN RE: Grand Jury Subpoena John Doe, No. 05GJ1318, 584 F3d. 175 CA4 (Va.2009); IN RE: Grand Jury Subpoena (T-112), 597 F3d. 189 CA4 (Va.2010); United States v. Umana, 750 F3d. 320 CA4 (N.C.2014); United States v. Dinkins, 691 F3d. 358 CA4 (Md.2012); Dickerson v. Warden Of Lieber C.I., 2013 WL 4500048(DSC.2013); James v. Reynolds, 2014 WL 2624431 (DSC.2014); Clark v. Arizona, 548 U.S. 735, 126 S.Ct. 2709, 165 L.Ed.2d. 842, 74 U.S.L.W. 4560(U.S.2006); 130 S.Ct. 2896; S.C. Code Ann § 17-25-10.

Constructive amendment of an indictment is a per se violation of the provisions of the 5th. amendment if it affects an essential element of the offense. Such a violation requires reversal of the conviction, even without a showing of prejudice, but once prejudice is clearly shown, the sentence and conviction must be vacated for Due Process violation which must be adjudicated under the Due Process Prong to Subject Matter Jurisdiction, State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309; Article IV § 2 U.S. Const.; United States v. Coyne, 4 F3d. 100 (2nd.Cir. 1993); United States v. Morgenstein, 933 F2d. 1108, 1115(2nd.Cir. 1991); Wilson v. Lindler, 995 F2d. 1256; Stirone v. United States, 361 U.S. 212(1960); Gaither v. United States, 413 F2d. 1061 (D.C.Cir.1969); Douglas v. State Of Alabama, 380 U.S. 407, 85 S.Ct. 1074(1965); 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 F3d. 288 CA4 (N.C.2012); United States v. Mills, 555 Fed. Appx' 241 CA4 (Va.2014); United States v. Naidu, 480 Fed. Appx' 180 CA4 (Md.2012).

Inasmuch, constructive amendment of the indictment(s) did occur and the unconstitutional amendment prejudiced the appellant at his proceedings leading to an unfair and partial trial and or guilty plea that was not knowingly, freely, volun-

tarily or intelligently given, depriving the appellant of reasonable notice and of his right to have material averments passed upon by the Grand Jury in egregious violation of the appellant's substantial rights of Due Process. This occurred when the charging terms of the indictment were altered literally and or constructively in the manner aforementioned. S.C. Code Ann § 17-19-100(1985) permit amendment of an indictment provided the nature of the offense charged is [n]ot changed. If (A) there is a defect in form in any indictment. or (B) on the trial of any case there shall appear to be any variance between the allegations of the indictment(s) and evidence offered in proof thereof, the court before which the trial may be had may amend the indictment(s) according to the proof, if the amendment be because of variance, if such amendment does "[n]ot" change the "[n]ature" of the offense charged. After such amendment the trial and or plea hearing should proceed in all respects and with the same consequences as if the indictments had originally been returned as so amended, unless such amendment shall operate as to surprise the defendant, in which case the defendant shall be entitled upon demand to a continuance of the cause.

A variance between pleadings and proof is [n]ot material where matter alleged is [n]ot an [e]lement of the offense, State v. Hiott, 276 S.E.2d. 163.

On the other side of the spectrum of this language, a variance between pleadings and proof "[i]s" material where matter alleged "[i]s" an element of the offense; and furthermore, such an amendment cannot be had if such amendment changes the "[n]ature" of the offense, Hope v. State, 328 S.C. 78, 492 S.E.2d. 76; State v. Grainger, 507 S.E.2d. 322(S.C.1998); United States v. Naidu, 480 Fed. Appx' 180 CA4 (Md.2012); United States v. Allmendinger, 706 F3d. 330 CA4 (Va.2013); State v. Green, 406 S.C. 589, 753 S.E.2d. 259(S.C.App.2014).

Once the nature of the elements became altered in the manner aforementioned, the indictment(s) were no longer to be considered the indictment(s) returned against the appellant.

A defendant is entitled to be tried and or give his guilty plea on charges that are properly set forth in an indictment and such properly set forth charges must be passed upon by the Grand Jury, S.C. Code Ann § 17-19-10(1976). The true test of the sufficiency of an indictment is whether or not it contains the necessary elements of the offense intended to be charged and sufficiently apprises the defendant of what he is called upon to meet and defend. The essential elements and or allegations in this instance are not alleged. The indictments for attempted murder do not allege an exact date to the extreme prejudice of the appellant. "ON OR ABOUT" can reasonably be considered to be any of the days asserted expanding at minimum (3) months in either direction of July 28, 2013. The indictments in question do not allege who it was the appellant supposedly consired with or what weapon was used in the alleged crime. The indictment(s) are too vague and do not descend to these particulars. Further, by the language and or charge of the indictment(s) as contructed, via the structural error, it informs the appellant that he is called upon to meet the burden of production on the critical elements of dispute related to the offenses. By the mandates of Due Process law, the appellant is not, by State or Federal Constitution, nor by State or Federal law, called upon to meet the burden of production on the critical elements of dispute related to the offense(s). The indictment(s) inform the appellant that his guilt is illegally predetermined in advance under "[o]ath"(emphasis added) and the appellant is being subjected to another proceeding on the same charges, which produce an instant Double Jeopardy claim, and fraud upon the court, misrepresentation and modern day slavery due to this fraud, Brown v. State supra.; Mathis v. State supra.; Francis v. Franklin supra.; United States v. Abrams supra.; Martin v. Ohio supra.; IN RE: Winship supra.; Mullaney v. Wilbur supra.; Humanik v. Beyers supra.; Moore v. Dempsey supra.; The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Appling v. State Farm Mut. Auto Ins. Co. supra.; King v. First American Investigators Inc. supra.; S.C. Code Ann § 17-25-10.

What's worse than this, the indictment(s) not only by

their very nature already prematurely in advance convict the appellant of all charges made and or laid before the court, denying the appellant the presumption of innocence, but it also creates this egregious, blatant, outrageous violation of Due Process where the indictment(s) by the structural constitutional error and or defect, has denied the appellant the right to a trial by a jury of one's peers; denied the appellant the right to confront his accusers or cross-examine witnesses; denied the appellant the right to call witnesses in his defense or to present expert testimony; denied the appellant the right to take the stand and testify at his proceedings; denied the appellant the right to place forth evidence that would vindicate him at trial; denied the appellant the right to counsel of choice, way before a trial jury was sworn, not this illegal trial jury in the form of the Grand Jury who swore upon their "[o]ath" the appellant's guilt, way before a trial commenced satisfying these essential constitutional requirements of Due Process law; or way before he voluntarily, freely, intelligently or knowingly gave them up if we are dealing with a guilty plea, also way before he hired counsel or way before the court appointed legal counsel to assist the appellant. With the existence of the structural error and or defect, the court has attempted to close the barn door far after the time the horses have already been released and or escaped. The Grand Jury being duly sworn, in clear violation of their shielding function has taken upon themselves the role of the trial jury, and has already convicted the appellant of the crimes charged under "[o]ath"(emphasis added). To permit the appellant to obtain counsel of choice after this egregious injustice, or to appoint counsel after the appellant has already been illegally convicted by the Grand Jury, and deny the appellant the previous mentioned constitutional rights involve deprivation of constitutional protection so basic and so fundamental that in their absence no criminal trial and or proceeding can be deemed reliable as a vehicle for the determination of guilt or innocence, and no criminal punishment can be regarded as fundamentally fair, because such action has prematurely, criminal, stripped the appellant of

his inalienable rights of Due Process, also in violation of The Taking Clause of the 5th. amendment. The State acting unjustly, arbitrarily under color of State law, causing extreme prejudice to the appellant's proceedings, in violation of 18 U.S.C. §§ 241, 242, 1001, have blatantly failed to adhere to their own State laws and has denied the appellant the Equal Protection Of the Laws. Since the appellant's guilt was already, unjustly, arbitrarily determined and or adjudicated by the structural constitutional error and or defect via the Grand Jury indictments and or criminal complaints nationally under "[o]ath" in acts of fraud upon the court; this serves to make any other subsequent proceeding initiated "[v]oid", "[n]ullified", "[a]rrested" and a violation of the 5th. and 6th. amendments also the appellant's rights of Due Process, to include his right to Double Jeopardy protection. How can the court be allowed and or permitted to have a trial and or accept a guilty plea for an offense the Grand Jury who swore upon their "[o]ath", have already found the appellant guilty of? This "[c]annot" be cured by an instruction that constructively amends the indictments on the "MENS REA" elements. By their actions and fraud upon the court they have essentially established modern day slavery, branding us as felons, taking away our right to vote in violation of the 15th. amendment and Voting Rights Act. Congress confers no power or authority upon any court, State or Federal the right to establish modern day slavery of any kind in violation of the not being "DULY" (emphasis added) convicted provisions of the 13th. amendment and Anti-Peonage Act, depriving them of jurisdiction, or voiding their jurisdiction, or prohibiting them from entertaining jurisdiction from the cases' onset, demonstrating that they inappropriately entertained jurisdiction rendering all action done void, stripping all judges and courts of immunity. The Structural constitutional error and or defect does affect the proceedings and "[c]annot" be deemed as harmless. The framework is essentially abolished. The extreme prejudice is obvious and need not be debated any further, The Amistad supra.; Chewing v. Ford Motor Company supra.; Appling v. State

Farm Mut. Auto Ins. Co. supra.; State v. Easler, (S.C.App.1997) 327 S.C. 121, 489 S.E.2d. 617; State v. Lewis, (S.C.App.1996), 321 S.C. 146, 147 S.E.2d. 265; State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309; Vines v. United States, 28 F3d. 1123 Crim. Law 1116(1), 1156(1); State v. Reddick, 348 S.C. 631, 635, 560 S.E.2d. 441, 443(Ct.App.2002); State v. Padgett, 354 S.C. 268, 271, 580 S.E.2d. 159, 161(Ct.App.2003); State v. Honey, 344 S.C. 85, 97, 544 S.E.2d. 30, 36(2001); Griswald v. State Of Connecticut, 381 U.S. 481, 85 S.Ct. 1678(1965); Carter v. State, 329 S.C. 355, 362, 495 S.E.2d. 773, 777(1998); 28 U.S.C.A. § 1654; Turner v. American Bar Ass'n, D.C. Tex. 1975, 407 F.Supp. 457 Aff'd 539 F2d. 715 Aff'd 542 F2d. 56; Faretta v. California, 422 U.S. at 835n. 46, 95 S.Ct. at 2541, 45 L.Ed.2d. 562, 592 (1975); Wiggins v. Estelle, 681 F2d. 266(1982); United States v. Gonzales-Lopez, 548---U.S.---2006; Chaplin & Drysdale Charter-ed v. United States, 491 U.S. 617, 624-625(1989); Rodriguez v. Chandler, 382 F3d. 675, 676 (CA 7 2004) cert. denied 543 U.S. 1156(2005); Stirone v. United States supra.; United States v. Silverman, 30 F2d. 106, 110 (2nd.Cir.) listing these functions modified 439 F2d. 198(2nd.Cir.1970), 91 S.Ct. 1619(1971); Martin v. Ohio supra.; Francis v. Franklin supra.; Mathis v. State supra.; United States v. Abrams supra.; Moore v. Dempsey supra.; Roberts v. State, 408 S.C. 123, 757 S.E.2d. 744(S.C.App.2014); Eppenger v. McFadden, 2014 WL 4198862(DSC.2014); Blanding v. Warden McCormick C.I., 2014 WL 3809656(DSC.2014).

The requirement of the indictment(s) limit and constrain the Subject Matter Jurisdictionary "[p]owers" of both the prosecution and the court, by limiting what can be presented at trial, conviction and sentencing, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie supra. It is the command of The United States Constitution, that anything to the contrary is notwithstanding (Article IV § 2 U.S. Const.).

Again, the State and or prosecuting body, acting unjustly, arbitrarily, conspiring under color of state law, has failed to adhere to their own state laws, in egregious violation of

the appellant's substantial Federal Constitutional rights of Due Process, serving to deny the appellant the Equal Protection Of The Laws against unjust and arbitrary prosecution, also in violation of 18 U.S.C. §§ 241, 242 and 1001, Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Jones v. State Of Arkansas supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Dozier v. Loop College, City Of Chicago supra.; Hicks v. Oklahoma supra.; Lugar v. Edmondson Oil Co. Supra.; Williams v. United States supra.; Greenwood v. Peacock supra.; United States v. Otherson supra..

In Wilson v. Lindler, 995 F2d. at 1256, it was held that constructive amendment of an indictment, sometimes referred to as fatal variance, denies the criminal defendant the fundamental guarantee of notice of the charges pending against him. This right is safely guarded and embodied within the 6th. amendment, the 5th. amendment Indictment Clause, and the appellant's 14th. amendment rights of Due Process, as well as pursuant to the appellant's right to equal protection of the laws against arbitrary prosecution and these requirements must be adhered to and not denied. Therefore, due to the enormous amount of prejudice experienced by the appellant, the sentence and conviction must be vacated, State v. Daniels, 401 S.C. 251, 737 S.E.2d. 473(S.C.App.2012); United States v. Kirby, 547 Fed. Appx' 363 CA4 (N.C.2013); Placencia v. McFadden, 2014 WL 2199984(DSC.2014); Sullivan v. Cartledge, 2014 WL 994237(DSC.2014); Van de Kamp v. Goldstein, 555 U.S. 355(2009); Dennis v. Wetzel, 966 F.Supp.2d 489(ED.Pa.2013); Kaley v. United States, 134 S.Ct. 1090(U.S.2014); United States v. Direct Sales Co. supra.; United States v. Atlantic Commission Co. supra.; State v. Boyd supra.; State v. Bramlette supra.; Roberts v. State, 408 S.C. 123, 757 S.E.2d. 744(S.C.App.2014); State v. Green, 406 S.C. 589, 753 S.E.2d. 259(S.C.App.2014); S.C. Code Ann § 17-25-10; U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); White v. Manis, 2014 WL 1513280 (DSC.2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240. 101-of-244



EXHIBIT, "GENTRY FRAUD"

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() Did the S.C. Supreme Court in State v. Gentry supra. err, engaging knowingly, intentionally in acts of fraud upon the court, in their efforts to essentially establish modern day slavery in violation of the Anti-Peonage Act, and abused their discretionary "[p]owers", which they even conspired to take away our right to vote, and or done so surreptitiously, in violation of the Voting Rights Act. And in such, the court's jurisdiction was made void for Due Process violation, and the court was prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers", even though they do indeed possess such "[p]ower" via state legislative statute and or Congressional intent, due to the indictment defects and or errors contained and argued within this document, in violation of the appellant's 4th., 5th., 6th., 13th., 14th., 15th. Amendment rights of the U.S. Constitution, as well as Article IV § 2, also 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, and the laws of Due Process?

The appellant did not object to these defects and or errors at the time of his trial and or before he gave his guilty plea, but the defects and or errors serve to render the indictments wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d: Indictments and Information § 299(1968); State v. Munn supra..

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge. We are arguing against the precedent established by State v. Gentry pursuant to S.C. Appellate Court Rule 217, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra. 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error, fraud and machination on the part of the South Carolina Supreme Court that has an identifiably negative impact on all proceedings to such a degree, that the constitutional rights of all defen-

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dants within this state, including the appellant's are compromised. A manifest constitutional error, violations of the Anti-Peonage Act and fraud upon the court of this magnitude cannot be waived, is not subject to any time limits, and can be reviewed by a court of appeals even if the appellant did not object at the proceedings, especially in light of the fact that the court's decision and fraudulent actions disproportionately effect African Americans and all other inmates within this state and potentially around the nation, (Black Law Dictionary 8th. Edition); The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Digital Equip. Corp. v. Desktop Direct Ins., 511 U.S. 863, 868, 114 S.Ct. 1992, 1996, 128 L.Ed.2d. 842(1994); Chewing v. Ford Motor Company supra.; Appling v. State Farm Mut. Auto Ins. Co. supra.; King v. First American Investigators Inc., 287 F3d. 91, 92(2nd.Cir.2002) cert. denied 537 U.S. 960, 123 S.Ct. 393, 154 L.Ed.2d. 314(2002); The Anti-Peonage Act Of The 13th. Amendment; The Rico Act; Ex Parte Virginia, 100 U.S. 339, 346, 25 L.Ed. 676(1880).

The appellant contends, that the indictment(s) for attempted murder do not properly allege the "[t]ime" of the assault which is an essential element of the offense. The indictment(s) for attempted murder or the conspiracy indictment allege who it was that the appellant supposedly conspired with. The attempted murder indictment(s) do not allege what weapon the appellant was supposedly in possession of. None of these essential elements and or allegations are alleged within the body of the charging instrument. This prejudiced the appellant when it came time to seek a direct verdict which is why the court and parties conspiring under color of state law, in acts of fraud upon the court denied the motion for severance, violating the appellant's Due Process rights voiding their jurisdiction for Due Process violation. These actions placed the appellant at a substantial disadvantage, which is why the state in acts of conspiring under color of state law tried the appellant and his co-defendant together to conceal these fatal deficiencies, knowing fully well the indictments were extremely vague setting the appellant

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up for "Indictment Ambush" at the onset of his proceedings. The indictments "[c]annot" be deemed sufficient if the state is permitted to prove all these materially different sets of facts. The indictment(s) do not descend to the essential particulars. All the aforementioned "[m]ust" be alleged in the body of the charging instrument and passed upon by the Grand Jury in the indictments returned against the accused in accordance to the constitutional Due Process rights of the defendant. This cannot be deemed as reasonable notice. No one can say what was in the mind of the Grand Jury, State v. Pierce supra.; State v. Sutton supra.; State v. Platt supra.; State v. Rector supra.; State v. Blakeney supra.; State v. Munn supra.; State v. Rallo supra.; State v. Tate supra.; State v. Tabory supra.; State v. Keith supra.; State v. Hardee supra.; Locke v. State supra.; State v. Wilkes supra.; United States v. Daniels supra.; United States v. Abrams supra.; United States v. Hooker supra.; Russell v. United States supra.; Hamling v. United States supra.; United States v. Pupo supra.; Castillo v. Holder supra.; State v. Brandt supra.; Robinson v. Cohen supra.; United States v. Cohen supra.; United States v. Gomez supra.; Carr v. United States supra.; United States v. Robare supra.; United States v. Umana supra.; United States v. Dinkins supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Dech v. Missouri supra.; Clark v. Arizona supra.; United States v. Whitfield supra.; United States v. Mills supra.; United States v. Naidu supra.; United States v. Allmendinger supra.; State v. Green supra.; Roberts v. State supra.; Eppenger v. McFadden supra.; Blanding v. Warden McCormick Correctional Institution supra.; State v. Daniels supra.; United States v. Kirby supra.; Van de Kamp v. Goldstein supra.; Dennis v. Wetzel supra.; Plecencia v. McFadden supra..

The appellant further contends, that the indictment(s) do [n]ot properly and or sufficiently apprise the appellant of the "[c]ause and [n]ature" of the accusation(s), or of what he is called upon to meet and defend, because the structural constitutional error, defect, language and or charge embodied within the indictment(s) and criminal complaints around the

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nation indicate and or inform the appellant, that the burden of production belongs to the appellant and not the government. By such the indictments also violate S.C. Code Ann §§ 17-19-10, 17-19-20 and 17-25-10. The language and or charge in the indictments indicate and inform the appellant that he is called upon to meet the burden of production on the critical elements of dispute, in violation of the appellant's 6th. amendment rights, the relevant statutes, and Due Process Law. They also violate the appellant's 4th. amendment rights to illegal seizure, his 5th. amendment rights to double jeopardy protection, because they predetermine in advance the outcome of the proceedings, taking away our presumption of innocence, and they inform the appellant that for a second time he is made to plea and or go to trial on a prior conviction for the same offense which produces fraud upon the court, modern day slavery in violation of The Anti-Peonage Act because you force us to work once convicted to up keep these institutions. Then you take away our right to vote once convicted in violation of the 13th. 15th. amendments and the Voting Rights Act, The Rico Act, and the holdings made in Ex Parte Virginia, 100 U.S. 339(1880). They infringe upon the appellant's 14th. Amendment right to Equal Protection of the Laws against unjust, arbitrary judicial action and prosecution behind a class based invidiously discriminatory animus because the action disproportionately effect African Americans and other minorities in violation of the holdings made in Ex Parte Virginia. The Grand Jury "[m]ust" refrain from even making an "[o]pinion" (emphasis added) as to our guilt. Yet, here these Knuckleheads swear an "[o]ath", under "[o]ath" mind you, our guilt foreclosing legally any subsequent adjudication. The Grand Jury by State or Federal law, or State or Federal Constitution, do "[n]ot" have the power to convict. This cannot be deemed reasonable notice. No one can say what was in the mind of the Grand Jury as determining whether or not they intended any subsequent adjudication to occur once they themselves determined guilt. Due to the structural constitutional error and or defect in the construction of the indictment(s) and or criminal complaints around the nation, they do "[n]ot" properly,

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sufficiently or fully apprise the appellant of the "[c]ause and [n]ature" of the accusation being brought against him, or of what he is called upon to meet and defend, State v. Lewis supra.; State v. Easler supra.; Mathis v. State supra.; Brown v. State supra.; State v. Browning supra.; State v. Munn supra.; Moore v. Dempsey supra.; The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Digital Equip Corp. v. Desktop Direct Ins. supra.; United States v. Direct Sales Co. supra.; United States v. Atlantic Commission Co. supra.; State v. Boyd supra.; State v. Bramlett supra.; Beck v. Washington supra.; State v. Tollin supra.; Byers v. Reynolds supra.; United States v. Jefferson supra.; In Re: Grand Jury Subpoena John Doe, No. 05GJ1318 supra.; In Re: Grand Jury Subpoena (T-112) supra.; United States v. Umana supra.; United States v. Dinkins supra.; Dickerson v. Warden Of Lieber C.I. supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Clark v. Arizona supra.; Kaley Deck v. Missouri supra.; Skilling v. United States supra.; Kaley v. United States supra.; Placencia v. McFadden supra.; Jeandron v. Board Of Regents Of University System Of Maryland supra.; United States v. Whitfield supra.; United States v. Mills supra.; United States v. Naidu supra.; Roberts v. State supra.; State v. Green supra.; United States v. Kirby supra.; United States v. Allendinger supra..

This is how this thing went. The inmates of South Carolina were basically getting out of prison by arguing the defects within their indictments. The inmates convicted for murder discovered that there was a fatal flaw in the murder indictments related to "time and place", being essential elements of the offense. The South Carolina Supreme Court, in efforts to stop the inmate exodus from prison, engaged in acts of fraud upon the court in efforts to establish modern day slavery behind racial hatred, even with the black overseer type judges, came up with a plot, plan and scheme to defraud the inmates of this state in their acts of machination in violation of the holding

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made in the U.S. Supreme Court case Ross v. Blake, 136 S.Ct. 1850(2016). They knew that beforehand in order to make a fair determination regarding the issue of Subject Matter Jurisdiction. It was required that the court review Ex Parte Bain, Russell, Stirone and Gaither collectively, but they purposely did not do so in order to hatch their plan. If you do not review them together, they knew you can make a fraudulent determination and no one would be the wiser. So, the judges of the South Carolina Supreme Court, conspiring under color of law behind a class based invidiously discriminatory animus, placed the numerous, voluminous pending criminal cases on hold, staying them, many for as long as over (4) or (5) years to allow them to go on a "FISHING EXPEDITION" in search of case law that was vague and ambiguous enough to allow them to enact their acts of fraud and machination. After this exhaustive search for (5) or more years, criminally holding these inmates cases in limbo. The conspiring judges found Cotton and Parkhurst, that would permit them to circumvent the holdings made in Stirone, Gaither and Russell via this fraudulent "FISHING EXPEDITION", due to these newly found cases being adjudicated under the incorrect prong to subject Matter Jurisdiction, Mitchell v. Conseco Life Ins., F.Supp.2d., 2013 WL 2407129(DSC.2013); J & J Sports Productions Inc. v. Wofford, 2014 WL 2980250(DSC.2014); United States v. McDonald, 444 Fed. Appx' 710 CA4 (Va.2011); Gindi v. Strategic Outsourcing, Inc., F.Supp.2d., 2012 WL 7761543(DSC.2012); State v. Jones, 364 S.C. 51, 610 S.E.2d. 846(S.C.App.2005).

This is what the S.C. Supreme Court judges specifically wanted. They wanted these specific cases to permit them to perpetrate the fraud and machination even though they knew there were other U.S. Supreme Court cases that gave greater clarity, which is why Plecones, honorable soul that he is, jumped ship. He knew what they were doing. They knew Ex Parte Bain, U.S. V. Cotton and Parkhurst were vague and ambiguous in that these cases found via the "FISHING EXPEDITION" never addressed the "[j]urisdictional [p]rerequisite" Due Process element, aspect or requirement of the indictment and adjudicated this clear

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Due Process issue under the incorrect prong to Subject Matter Jurisdiction. U.S. v. Cotton used "word play", "verbal voodoo", "word winx" to evade the essential question related specifically to the "[p]rerequisite" aspect and requirement of the indictment as it relates to jurisdiction, which is a Due Process claim that "[v]oid" jurisdiction for Due Process violation. Please note that nothing in U.S. v. Cotton stated that they were overruling Stirone, Gaither or Russell,...why? Its because we are dealing with two separate and independent questions related to Subject Matter Jurisdiction, essentially two prongs. One being certain courts jurisdiction itself. The second being the "[p]rerequisites" and or "[r]equisites" that are attached to that jurisdiction, which is a Due Process claim that "[v]oids" jurisdiction for Due Process violation, the corrupt devils that they are, Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.supp.3d. 582, 2014 WL 1266240 (2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); White v. Manis, 2014 WL 1513280(DSC.2014).

The S.C. Supreme Court judges, in acts of fraud upon the court and machination, only reviewed Ex Parte Bain because it was vague on the "[p]rerequisite" and or "[r]equisite" Due Process issue itself, then added Cotton and Parkhurst because they knew these cases were adjudicated in the same vein, which did not address the prerequisite Due Process requirement of the indictment, which must be adjudicated under the Due Process prong to Subject Matter Jurisdiction, they came up with the State v. Gentry case, in acts of fraud upon the court and machination to halt the pending inmate exodus. Conspiring under color of state law in violation of 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001, by order of stay, they held Gentry and the massive number of pending cases in limbo, many for over (5) years, until they were time barred from seeking review in the S.C. U.S. District Court. The S.C. U.S. District Court Judges conspiring with them, under color of authority and or law, were privy to this aided the conspiring state judges, courts and actors such as the S.C. Attorney General; knowing



fully well the vast number of inmates whose cases were criminally held in limbo, many for over (5) years, lacked the intelligence to argue past the successive or statute of limitations placed upon them via PLRA and or AEDPA provisions, warranting the re-cusal and or disqualification of the S.C. U.S. District Court and 4th. Circuit and all these cases in total be transferred to the State Of New Jersey District Court pursuant to 28 U.S.C. §§ 1404 and 1407. We motion for such. WS

Similar acts were done with intelligence test during reconstruction to deny minorities the right to vote. "How many jelly beans are in this jar?" "How do you get past the Statute of limitations or successive issues placed upon you by PLRA or AEDPA provisions?" It is a similar criminal act argued in Ex Parte Virginia, 100 U.S. 339(1880), in their white racial bonding. This produces fraud upon the court, machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850 (2016), demonstrating that we do not have to exhaust. It establishes a form of modern day slavery by that fraud and machination as is defined within The Convention Against Torture Treaty that Congress signed off on and ratified binding this nation and all states contained therein, where you force us to work to up keep these institutions and other forced labor while in captivity. Then you take away our right to vote by conspiring under color of state law and or authority to keep us labelled as felons and kill our political in what you white nationalist call , "establishing good government" as Senator Cole Blease Of South Carolina once said. It becomes an illegal seizure by this fraud and machination in violation of the 4th. amendment, as well as stand in violation of The Rico Act, the holdings made in Ex Parte Virginia, as well as the 5th., 6th., 8th., 13th., 14th., and 15th. amendments, also 18 U.S.C. §§ 241, 242 and 1001, Moore v. Dempsey supra.; The Amistad supra.; Digital Equip. Corp. v. Desktop Direct Ins. Co. supra.; State v. Means, 367 S.C. 374, 626 S.E.2d. 348(S.C.2006)(Where they applied this criminal act retroactively); Screws v. United States supra.; United States v. Kozminski, (1988) 487 U.S. 931, 101 L.Ed.2d. 788, 108 S.Ct. 2751, 46 C.C.H. E.P.D. ¶ 38067 on remand (1988 CA6 Mich.) 852 F2d 1288; Greenwood v. Peacock, (1966) 384 U.S.

808, 16 L.Ed.2d. 944, 86 S.Ct. 1800; United States v. Ramey, 116 (1964 CA4 W.Va.) 336 F2d. 512 cert. denied (1965) 379 U.S. 972, 13 L.Ed.2d. 564, 85 S.Ct. 649; United States v. Otherson, (1980) CA9 Cal., 637 F2d 1276 cert. denied (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; Means v. Wilson, CA8 (S.D.) 1975, 522 F2d. 833 cert. denied 96 S.Ct. 1436, 424 U.S. 958, 47 L.Ed.2d 364; Berg v. Obama, E.D. Pa. 2008, 574 F.Supp.2d. 509; United States v. Figuerca, CA3 (N.J.) 2013, 729 F3d. 267; Ex Parte Virginia supra.; The Compendium Of United Nations Standards And Norms In Crime Prevention And Criminal Justice ISBN 978-92-1-133765-5.

This is not a situation where the state court simply held a view different its own, when the precedent from the U.S. Supreme Court is, at best ambiguous. They criminally conspired under color of state and stayed, held, all pending cases most for (5) years or more while they and the S.C. Attorney General purposely, maliciously, criminally went on a "FISHING EXPEDITION" in search for a vague, ambiguous U.S. Supreme Court case and the Parkhurst case, to allow them to engage in machination and acts of fraud upon the court when there were other clearly established U.S. Supreme Court cases that gave greater clarity and that were not ambiguous to defraud the inmates of this state. Thus, using the holdings made in cases like Green v. Fisher, 132 S.Ct. 38, 43(2011) would be misplaced due to the criminal and fraudulent intent that conspicuously exist, Barlow v. Colgate Palmolive Co., 772 F3d. 1001, 90 Fed. R. Serv.3d. 85(Md.2014).

Perhaps the court(s) of South Carolina would further contend that Subject Matter Jurisdiction, and the sufficiency of an indictment are, and have been combined in the various cited cases, that the indictment is merely a "notice document" and that Subject Matter Jurisdiction is the court's "[p]ower" to hear and determine a matter, and each should be viewed as separate and distinct from one another and the insufficiency of an indictment does "[n]ot" take away from or "[a]ffect" and or "[h]inder" a "[c]riminal" court's "[p]ower" and or "[a]bility" to hear "[t]his" general class of cases, to which the proceedings

in question belong, State v. Gentry, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005) citing United States v. Cotton, 535 U.S. 625, 122 S.Ct. 1781, 152 L.Ed.2d. 860(2002); State v. Parkhurst, 845 S.W.2d. 31(MO.1992). The court(s) has misinterpreted its citings and are in error, and they have abused their discretionary "[p]owers" in their determination of this matter, and they did this purposely in acts of fraud upon the court and machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016). An abuse of discretion occurs when the court(s) are controlled by an error of law, or when the order based upon findings of fact is without evidentiary support or fact. The error of law that they are controlled by is that there are two concepts in question, essentially two prongs to Subject Matter Jurisdiction. One--the courts powers of jurisdiction given to them via state legislative statutes and or congressional intent for federal courts. Secondly---the Due Process jurisdictional "[p]rerequisites" and or "[r]equisites" that are attached to that jurisdiction, which were never properly addressed by the courts involved, which were required to be addressed under the Due Process prong to Subject Matter Jurisdiction, Sharpes v. Sharpes, 535 S.E.2d. 913, 342 S.C. 71(2000).

The State Of South Carolina, by this ludicrous piece of legislation or law, in an egregious abuse of discretionary "[p]ower", acting arbitrarily, unjustly, under color of "state law", in defiance to fundamental fairness and judicial integrity, in violation of the appellant's federal constitutional rights of Due Process, also in violation of 18 U.S.C. §§ 241, 242 and 1001, has either altered, amended, modified, and or deleted, and or diminished and or eradicated, just about every single right and privilege secured and protected by the 4th., 5th., 6th., 13th., 14th., 15th. amendments of the U.S. Constitution, as well as the South Carolina Constitution, as it pertains to the "[p]rerequisite" Due Process requirement and use of an indictment in criminal proceedings, in blatant defiance to the appellant's rights to Equal Protection of the Laws, producing fraud upon the court, machination, essentially establishing

modern day slavery in violation of The C.A.T. Treaty, conspiring under color of state law to disenfranchise us, branding African Americans and other minorities who are disproportionately effected as felons to deny them the right to vote and kill their political voice, creating a racial caste system, See Book Entitled, "Mass Incarceration During The Age Of Colorblindness, the New Jim Crow, by Michelle Alexander; Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Jones v. State Of Arkansas supra.; Dozier v. Loop College , City Of Chicago supra.; Hicks v. Oklahoma supra.; Lugar v. Edmondson Oil Co. supra.; Williams v. United States supra.; Brown v. United States supra.; United States v. Ramey supra.; United States v. Kozminski supra.; Greenwood v. Peacock supra.; United States v. Otherson supra.

Insomuch, the 5th. amendment Indictment Clause has not been held applicable to the states, or the federal concept of a Grand Jury binding on the federal courts under the 5th. amendment are obligatory to the states. Nevertheless, by their own state(s) Constitution(s), the State Of South Carolina, New Jersey , Kentucky, Georgia, New York and (28) other states adopt the federal provisions. requirements, Due Process "[p]rerequisites" and or "[r]equisites", standards and mandates pertaining to the use of an indictment, and the remaining (17) states that make use of a criminal complaint document possess the structural error argued where the Grand Jury by the language presented, adjudicated guilt of the offenses as well. In further resolving the conflict, the Federal courts have held by the "BILL OF RIGHTS", many rights guaranteed by the first (8) amendments of The United States Constitution, have been made applicable to the several states through the Due Process Clause of the 14th. amendment and Supremacy Clause of Art. 6 cl. 2 of The U.S. Constitution, State v. Watts, 465 S.E.2d. 359; Henry v. City Of Rock Hill, 376 U.S. 776, 84 S.Ct. 1042, 12 L.Ed.2d. 79(1964); Also see South Carolina Constitution Art. 1 § 11; Ex Parte Bain, 121 U.S. 1 (1887); Costello v. United States,

350 U.S. 359; Russell v. United States, 369 U.S. 749, 82 S.Ct. 1038(1962); Woods v. Georgia, 370 U.S. 375, 82 S.Ct. 1364, 8 L.Ed.2d. 569(1962); Frisbee v. United States, 157 U.S. 160, 15 S.Ct. 586, 39 L.Ed. 652 (1895); Hale v. Henkel, 201 U.S. 43, 26 S.Ct. 370, 50 L.Ed. 652(1906); Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d. 491(1968); Hurtado v. California, 110 U.S. 516, 538, 4 S.Ct. 111, 122, 28 L.Ed. 232(1884); Powell v. State Of Alabama, 287 U.S. 45, 67, 53 S.Ct. 55, 63, 77 L.Ed. 682(1948); Gideon v. Wainwright, 372 U.S. 335, 342-344, 83 S.Ct. 792, 796, 4 L.Ed.2d. 799(1963). u9

Yes, the indictment is a "notice document", but being a "notice document" is one of the many purposes and functions the indictment was created for. The Honorable Judge Plecones in the Gentry court, was the only one with enough judicial integrity and insight to see clear to the truth of this matter in part, and did not agree to the fraud and machination.

Yes, Subject Matter Jurisdiction is the "[p]ower" to hear and determine cases of a general class to which the proceedings in question belong, Bell v. Monsato Corp., 579 S.E.2d. 325 S.C. 553(S.C.2003). Insomuch, the court's "[p]ower" to hear and determine a case, is also defined as the court's "[a]bility" to hear and determine a case. Inasmuch, Subject Matter Jurisdiction does not only cover and or involve whether or not the matter resides in a proper court of jurisdiction to hear and determine it. This is only the first prong. It also involves any issue that may "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to act in accordance to Rules Of Court, Rules Of Procedure and Due Process Law. This is the second prong that "[v]oids" jurisdiction for Due Process violations. Such matters can be raised at "[a]ny" time, "[c]annot" be waived by the defendant, and the court "[s]hall [n]ot [f]ail" to take notice, Mathis v. State supra.; Brown v. State supra.; State v. Munn supra.; Browning v State supra.; U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240; Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007).

Subject to certain minor exceptions not present, the ^{V2D} trial court's jurisdiction is made void, and or they are prohibited from enacting, and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers" to convict a defendant for Due Process violation, even though they have such jurisdiction by state legislative statute and or congressional intent, when there is no indictment charging him with that offense when the jury is sworn, or when he gives his guilty plea, and we can add, or when he has already been unjustly convicted by the Grand Jury, illegally acting as the trial jury, being duly sworn and swearing upon their "[o]ath" the appellant's guilt, predetermining in advance the outcome of the proceedings, in violation of their shielding function, also in violation of the appellant's right to double jeopardy protection and Due Process Law, establishing fraud upon the court, modern day slavery, machination, taking away our right to vote conspiring to kill our political voice behind a class based invidiously discriminatory animus in the form of race in violation of the holdings made in Ex Parte Virginia supra... Also see State v. Lewis supra.; State v. Easler supra.; Moore v. Dempsey supra.; The Amistad supra.; United States v. Umana supra.; United States v. Dinkins supra.; Dickerson v. Warden Of Lieber C.I. supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Clark v. Arizona supra.; Deck v. Missouri supra.; Skilling v. United States supra.; State v. Beachum, 288 S.C. 325, 324 S.E.2d. 572(1986); S.C. Code Ann § 17-25-10.

The Gentry court misinterpreting its citings are in error in their determination of the matter in acts of fraud upon the court and machination. What gives the court in "[c]riminal" cases and or proceedings the "[a]bility" to hear and determine cases of "[t]his" general class to which the proceedings in question belong, and allow it to enact and or invoke and or continue its Subject Matter Jurisdictionary "[p]owers" in these type of cases, placing those "[p]owers" in operation is "an indictment".

S.C.R.C.P., Rule 3(c) Provides:

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"Disposition on arrest warrant(s):

The solicitor shall take action on the warrant(s) within (90) days by preparing 'an indictment' for presentment to the Grand Jury". In turn said indictment is to be passed on to the trial court to allow it to enact and or invoke and or continue its "[p]owers" of Subject Matter Jurisdiction, Sharpe v. Johnson, 107 F3d. 282(foot notes)(5th.Cir.1997); Santos v. State, 843 S.W.2d. 953, 956(Tex.App.1992); Studer v. State, 799 S.W.2d. 263(Tex.App.1990); Williams v. Morris, 320 S.C. 196, 464 S.E.2d. 97(1995).

The indictment is also the legal document that confirms the "[c]riminal" court's "[p]ower" and or "[a]bility" to hear the particular case, by stating and documenting the class of case, or alleged offense, and the statute of the offense charged, stating the offense in the language of the statute, further validating that the matter(s) reside in the proper court of jurisdiction to hear and determine the matter. These indisputable facts make the indictment more than merely a "notice document". It is the vehicle in "[c]riminal" cases and or proceedings which invest and or attach the "[c]riminal" court the Due Process mechanism and right to act, and or confirms that right to act, which is an intrinsic part of the Due Process Prong To Subject Matter Jurisdiction in these cases; Thereby making them inter-linked, inter-locked and inter-dependent upon the viability of each other. To determine that without the indictment(s), it does "[n]ot" "[a]ffect" and or "[h]inder" a "[c]riminal" court's "[p]ower" and or "[a]bility" to hear and determine cases of "[t]his" general class to which the proceedings in question belong, is an error of law, and is like stating not having a "soul", "consciousness", or "lifeorce", do "[n]ot" "[a]ffect" or "[h]inder" a man's "[p]ower" or "[a]bility" to be a man. Without a "soul" or "lifeorce", by the laws of reason you will still have a "man", but the total truth of the matter is that



you will have a "[d]ead man", whose worth to society is useless; the same way the "[c]riminal" court's "[p]ower" and or "[a]bi-²²lity" to hear and determine "[t]his" particular class of case is useless without the essentially needed vehicle in the form of the indictment(s). The Sufficiency of an Indictment is a "[j]urisdictional [p]rerequisite" in cases of "[t]his" general class, to which the proceedings in question belong, and for which an indictment is needed and or required even though the courts do indeed have jurisdiction via state legislative statute and or via congressional intent. See Indictment sufficiency, 70 Column L. Rev. 876, 888(1970); United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982); Stirone v. United States, 361 U.S. 212 (1960); Gaither v. United States, 413 F2d. 1061(D.C. Cir.1969); Also see S.C. Constitution Art. 1 § 11; S.C. Code Ann § 17-25-10.

The Gentry court, by it misinterpreting its citings changed Federal law made applicable to the state(s) by they adopting such via their own state(s) Constitution(s) standing unchallenged for well over (100) years. For the Gentry court by it misinterpreting its citings, in acts of fraud upon the court and machination in violation of Ross v. Blake, 136 S.Ct. 1850(2016), to view the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment as being combined, when Federal law adopted by their own state(s) constitution(s), dictate that the Sufficiency of an Indictment is a "[j]urisdictional [p]rerequisite" to Subject Matter Jurisdiction in a "[c]riminal" court, which is a Due Process claim, is an error of law. Nothing in United States v. Cotton or State v. Parkhurst addressed and or adjudicated the "[p]rerequisite" Due Process aspect of the indictment. Nor did anything in those cases say that Abrams, Stirone, Russell and Gaither are overruled. If they are no officially overruled by The U.S. Supreme Court, then the [p]rerequisite Due Process aspect of the indictment is still controlling law. The Abrams, Stirone, Russell and Gaither court(s) intent should be ascertained from the plain language of these citings of law as is adjudicated by those

courts. The language must read in a sense that harmonizes with its subject matter and accords with its general purpose. Once these precedent setting courts have made a choice, there was no room for the Gentry court to impose a different meaning or judgment based upon their own misguided notions. If the provisions of law language is clear, there was no need to employ the rules of statutory and or common law construction, and the Gentry court had no right to go on a "FISHING EXPEDITION" holding those cases in limbo for (5+) years to force the inmates past the statute of limitations to prevent review in another higher court to which they were void of all jurisdiction in acts of fraud upon the court and machination. Also, due to they imposing another meaning to this prescribed law, in their efforts to essentially establish modern day slavery in violation of the C.A.T. Treaty, to which congress confers upon no court the "[p]ower" to establish slavery of any kind. Their jurisdiction is void from the onset, even making it an administrative function stripping them of immunity due to the fraudulent intent. These were the same such acts that were at the heart of the issues sought remedied in Ex Parte Virginia in 1880. The convictions are not "DULY" established. Where the language of the aforementioned citings of law are clear and explicit, the Gentry court "[c]annot" go on a "FISHING EXPEDITION" to purposely search for a vague, ambiguous provision of law that did not address the "[j]urisdictional [p]rerequisite" Due Process aspect and requirement of the indictment to criminally, in acts of fraud upon the court and machination, rewrite the provisions of the law in and inject matters into the holdings which are not in the language found in Russell, Stirone, Abrams and Gaither. Under the plain meaning rule, it is not the Gentry court's place to change the meaning of clear and unambiguous provisions of law by citing of a law that is ambiguous and vague, to disproportionately affect African Americans and other minorities within this state and water down the protections established under Ex Parte Virginia. The law clearly states that the two concepts are not combined, but one is a "[j]urisdictional [p]rerequisite" of the other which "[m]ust" be adjudicated under the Due Process Prong of Subject Matter Jurisdiction. The law clearly states

that yes, the courts have jurisdiction via state legislative statutes and or congressional intent, but with that jurisdiction there are "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites" that "[m]ust" be adhered to related to Due Process which void jurisdiction for lack of compliance. (24)

If these two concepts are to be viable and operate in the fullness and purpose for which they were established and created, they are not to be viewed and or separated in the manner reasoned by the Gentry court misinterpreting the holdings made in the Cotton and Parkhurst courts, Mitchell v. Conseco Life Ins. supra.; J & J Sports Productions Inc. v. Wofford supra.; United States v. McDonald supra.; Gindi v. Strategic Outsourcing, Inc. supra.; State v. Jones supra.; Bass v. Isochem, 617 S.E.2d. 369(S.C.App. 2005); State v. Brannon, 666 S.E.2d. 272(S.C.App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. S.C. Second Injury Fund, 611 S.E.2d. 297(S.C.App.2005).

Further, the indictment(s) serve as a "[s]afeguard" to protect the American citizenry, all those who are held by us, and those who enter our borders or territories, from violations of their inalienable constitutional rights. Rule 7(c) requires that the indictment(s) contain a "[p]lain", "[c]oncise", and "[d]efinite" written statement of essential elements and or allegations constituting the offense charged. This requirement performs three constitutionally required functions: It fulfills the 6th. amendment right to be informed as to the "[c]ause and [n]ature" of the accusation (notice document); Yet, more than this, it prevents a person from being subject to double jeopardy as required by the 5th. amendment. It also serves the 5th. amendment protection against crimes based upon evidence not presented to the Grand Jury (constructive amendment of the indictment claim), State v. Lewis supra.; State v. Easler supra.; United States v. Silverman, 30 F2d. 106, 110(2nd.Cir.) listing these functions, modified 439 F2d. 198(2nd.Cir.1970) cert. denied 402 U.S. 953, 91 S.Ct. 1619, 29 L.Ed.2d. 123(1971). The Indictment Clause of the 5th. amendment requires that the indictment(s) contain some amount of factual particularity, to ensure that the prosecution will not fill in elements of his case with facts

other than those considered by the Grand Jury (constructive amendment of the indictment issue), United States v. Abrams supra. 23

The judges in State v. Gentry supra.; United States v. Cotton supra.; and State v. Parkhurst supra., in their determination, it is perspicuous that they have "[n]ot" given "[f]ull" weight to the total requirements and purpose of S.C. Code Ann §§ 17-19-10, 17-19-20, 17-19-30 and 17-25-10, or the "[j]urisdictional [p]rerequisite" Due Process aspect and requirement of the indictment. It is for the reasons aforementioned, in relevant part, and Federal Rules Of Criminal Procedure, Rule 7(c), that the requirements of the mentioned statutes are in effect, to ensure that the indictment(s) comply with Federal and State Rules of Criminal Procedure, The U.S. Constitution, The S.C. Constitution, and the Laws of Due Process, which make them more than merely a "notice document".

In addition to this, the indictment(s) aid in instructing the jury of the circumstances of the crime, and the incidentals, as well as the elements of the offense, that they are to confirm, or reject the confirmation of, by the preponderance of evidence presented before them by the prosecution and or defense in reaching a verdict. This too, makes them more than merely a "notice document", United States v. Abrams supra.; United States v. Silverman supra. This requirement that the offense be stated**** specifying in detail each element of the crime was seen as providing assurance that both the Grand Jury understood what was necessary to establish the offense, not convict, and that the trial jury did not engage in unanticipated extensions of the substance of the offense, which is a constructive amendment of the indictment claim proving these are Due Process arguments which are to be adjudicated under the Due Process prong to Subject Matter Jurisdiction.

Lastly, the requirement of the indictment(s) limit and constrain the "[p]owers" of Subject Matter Jurisdiction of both

the prosecution and the court, by limiting what can be presented at trial, conviction and sentencing. This too, is potentially a constructive amendment of an indictment claim which demonstrate the deficiencies within the indictment(s) produce Due Process challenges that void jurisdiction for Due Process violation, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309. It is the command of The U.S. Constitution that anything to the contrary is notwithstanding, (Article IV § 2 U.S. Const.).

The appellant places forth this issue in a straightforward fashion and want to make certain that there is no misunderstanding as to the specific claim(s) and or question that is placed before the court. The appellant is not arguing whether the criminal court has jurisdiction to hear and determine cases of "[t]his" general class to which the proceedings in question belong. The appellant concedes this fact. The appellant in this context agrees with all (3) Gentry, Cotton and Parkhurst court(s) when they determined that the criminal court does have Subject Matter Jurisdiction to hear cases of this general class and nature via state legislative statute and or congressional intent, this is not the issue. What the appellant is indisputably arguing is a question which clearly was not answered by either the Gentry, Cotton or Parkhurst court(s) is this. Despite the fact that the criminal court does have Subject Matter Jurisdiction to hear cases of "[t]his" general class to which the proceedings in question belong via state legislative statutes and or congressional intent. Do their egregious, blatant failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]erequisites" at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process before the court, which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction. Do the State and or Federal government and or courts' egregious, blatant failure to be in compliance to these said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]uris-

ditional [r]equisites" at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process, which is a Due Process issue. Do that failure halt, check, constrain, restrain, limit, arrest, stop or void the continuance of the court's Subject Matter Jurisdictionary "[p]owers" before the court for Due Process violation (ei vagueness in the indictment), even though the court do indeed possess such "[p]ower" by state legislative statute and or congressional intent? See Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.supp.3d. 582, 2014 WL 1266240 (2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md. 2010); White v. Manis, 2014 WL 1513280(DSC.2014). WJ

This is a crucially, materially, distinctly different question related to Subject Matter Jurisdiction that was never answered by any of the courts involved pursuant to the Gentry case. This is why Judge Plecones in the South Carolina Supreme Court refuse to be a part of the arbitrary, unjust acts of the S.C. Supreme Court and conspiring parties handling of the Ezekial Hayes case. The highest court had opportunity to deal with the issue and instead chose to engage in further acts of fraud. Thus, even by this act the exhaustion and equitable tolling requirement is satisfied. This is a jurisdictional challenge to the Federal Courts as well. For if the federal courts fail to take notice they would be conspiring in acts created for the purpose of establishing modern day slavery. Congress confers no "[p]ower" on the State or Federal Courts to establish modern day slavery which would strip all of immunity. The Court would also be in violation of the C.A.T. Treaty(Convention Against Torture Treaty) where the definition for slavery is found that Congress signed off on. It becomes a jurisdictional duty of the Federal Courts to act. Thus, using the holdings made in the Gentry case would be misplaced, especially in light of the fact that it has been adjudicated under a cloud of fraud upon the court and machination where they went on a "FISHING EXPEDITION" to find a vague, ambiguous citing of law that did not address the Due Process "[j]urisdictional [p]rerequisite" aspect

of the indictment(s). Such a new question of law and fact is not barred from seeking relief for, does relate to Subject Matter Jurisdiction, "[c]annot" be waived by the appellant, and the court "[s]hall [n]ot" fail to take notice, Grupo Dalaflux v. Atlas Global Group, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); South Carolina Department Of social Services v. Tran, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCain v. Brightharp supra.; Loumiet v. United States, 65 F.Supp. 3d. 19(2014); The Amistad supra.; Nezirovic v. Holt, 779 F3d. 233 CA4 (Va.2015); Kwai Fun Wong, 135 S.Ct. 1625, 191 L.Ed.2d. 533, 83 U.S.L.W. 4258(U.S.2015). 128

Insomuch, Rules of Criminal Procedure, the Sufficiency of an Indictment, Subject Matter Jurisdiction, and Due Process Law are inter-locked and inter-linked in these matters. Yes, Subject Matter Jurisdiction and the Sufficiency of an indictment are two distinct concepts, but the indictment(s) in "[c]riminal" cases and or pleadings is the Due Process required vehicle upon which the Due Process aspect of Subject Matter Jurisdiction is conferred upon the "[c]riminal" court, and or is that which enable the "[c]riminal" court the "[a]bility" and or "[p]ower", and or right or means to enact, and or invoke, and or continue its Subject Matter Jurisdictionary "[p]owers". It is not so much that they are combined or that the court does not have jurisdiction to hear these types of cases via state legislative statute and or congressional intent. The sufficiency of an Indictment is a Due Process "[j]urisdictional [p]rerequisite" in cases of "[t]his" general class to which the proceedings in question belong, and for which an indictment is needed and or required as Due Process demands. English 101 and English 102 are two separate and distinct English courses, but "[b]oth" make up one English program towards one single College degree. English 101 is a "[p]rerequisite" to English 102. You "[m]ust" have and or take English 101, before you can have and or take English 102. Its a simple concept. Its not hard. You "[m]ust" have and or take a sufficient, not vague(emphasis added) Indictment, passed upon by the Grand Jury, before you can enact and or invoke and or continue the court's Subject Matter Jurisdic-

tionary "[p]owers" given to a "[c]riminal" court, even thought that court do indeed possess such "[p]owers" via state legislative statute and or Congressional intent. To view the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment as being mistakingly combined, when, by Federal law made applicable to the States through the Due Process Clause and or South Carolina, New Jersey, Kentucky, Georgia, New York or other (28) relevant State(s) Constitution(s), dictate that one is a Due Process "[j]urisdictional [p]rerequisite" of the other is an error of law, fraud upon the court and machination. To determine that failure to be in compliance to Due Process "[j]urisdictional [p]requisites" and or "[j]urisdictional [r]equisites" do not effect the court's "[p]ower" to hear and determine a case is an error of law, fraud upon the court and machination. This question was circumvented by the courts involved conspiring under color of state law, and must now be answered in fundamental fairness to the appellant(s). 129

Even if you separate the two concepts aforementioned from one another, the "[e]ffect" and or "[o]utcome" on the trial court's "[p]owers" of Subject Matter Jurisdiction are the same. Due to the deficiency in the "[j]urisdictional [p]rerequisite" pursuant to the presentment of the fatally defective indictments, it "[n]ullifies", "[v]oids" the Subject Matter Jurisdictionary action, which must be adjudicated under the Due Process Prong to Subject Matter Jurisdiction, even though the "[c]riminal" court do indeed possess such "[p]ower" via state legislative statute and or congressional intent. They are distinct from one another the same way the inner-makings are distinct from the bread of a "sandwich", but "[o]th" make the "sandwich". They are distinct from one another the same way a man's soul is distinct from his body, but "[b]oth" make the man. The "[c]riminal" court can have Subject Matter Jurisdiction all day long, but without the indictment(s), when indictments are needed and or require in this instance by Due Process Law, that "[p]ower" is useless. The lack thereof do "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to hear and determine cases

of "[t]his" general class to which the proceedings in question belong. To determine otherwise is an egregious error of law, machination, an act of fraud upon the court and conspiracy to establish modern day slavery in violation of 18 U.S.C. §§ 241, 242, 1001 and The Anti-Peonage Act as well as in violation of The Rico Act to include the holdings made in Ex Parte Virginia designed to disenfranchise us of our right to vote in violation of the 15th. amendment. (30)

In comparison, you can have two pieces of bread all day long, but without the inner-makings you will never have a "sandwich". Being a "notice document" is only one of the numerous purposes and functions that the indictment serves. These numerous purposes and functions cannot be viewed and or work separately and independently of each other without affecting the "[t]rue" nature and purpose for which the indictment was created. To do so would be an error of law, see Herman Winns v. State, memo No. 2000 Mo-078 Daniel F. Piper Judge.

Insomuch, what the honorable court(s) in Gentry, Cotton and Parkhurst failed to see, is that the "[c]onfusion" that the Gentry court spoke of is "[n]ot" coming from our modern day courts mixing the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment together. The "[c]onfusion" that the Gentry court spoke of, is coming from our modern day court(s) and system of jurisprudence losing vision and insight of that which is laid and set before us by our Constitutional Forefathers in the establishing of our judicial system, that by all jurisprudence was not meant to be tampered with. That being a system of checks and balances, within a system of checks and balances. You have issues of Subject Matter Jurisdiction, jurisdictional prerequisites and or requisites, rules of criminal procedure, sufficiency of indictment issues, and issues of Due Process Law pertaining to the U.S. Constitution, as well as the South Carolina, New Jersey, New York, Kentucky, Georgia and remaining states constitutions, overlapping each other, and checking each other, as a "[s]afeguard" to ensure that the

U.S. citizen, those who are held by us, and those who enter our borders or territories, inalienable rights to a fair and impartial trial and or plea hearing are preserved. Our Constitutional forefathers purposely meant and designed for them to be viewed as a whole unit, inter-locked and inseparable though independent to themselves as an integral part of the overall judicial machine, so that if one part fails, the other parts would pick up and kick in. Thus, remaining true to the very nature of [l]egal "system". A system is comprised of various components, nevertheless, it is still to be considered as one. As the appellant mentioned in one of the previous issues. Our Constitutional forefathers in their wisdom and jurisprudence set up "[b]ulwarks", "[b]arriers" of protection forthrightly established to protect the American citizenry, those who are held by us, and those who enter our borders or territories, from unjust, arbitrary prosecution, that outside of an individual committing acts of treason were "[n]ot" meant to be torn down. These are those sacred "[b]ulwarks", "[b]arriers" of protection. To view them as separate and independent in the manner viewed by the Gentry court(s), as they relate to each other, or to determine that they do not affect the criminal court's "[p]ower" to hear and determine "[t]his" class of case, goes against the rightly established pattern and design of our judicial system, is fraud upon the court and machination, an act of establishing modern day slavery by forcing us to work once convicted, and is an error of law. It is a form of treason. It is the very epitome of betrayal to our Constitution, and sets itself at war and enmity to the substantial rights of the commonwealth, and seek to eradicate the very core integrity of the rights, immunities, and privileges of all citizens, those who are held by us, and those who enter our borders or territories, our Constitutional forefathers have died and sacrificed their best blood to establish and preserve. These sacred "[b]ulwarks" aid to ensure that "[L]ady [J]ustice" remains blindfolded, and the defendant's inalienable rights to a fair and impartial trial and or plea hearing remain secure and are never taken away. Such actions produce fraud upon the court, machination, modern day slavery vitiating all convictions. The Amistad supra.; Ex

Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed. 676(1880); Pul-
liam v. Allen, 466 U.S. 522, 536-543, 104 S.Ct. 1970, 1977-1982,
80 L.Ed.2d. 565(1984); Mireles v. Waco, 502 U.S. 9, 112 S.Ct.
286(U.S.Cal.1991); Schmidt v. Degen, Ed. Pa. 1974, 376 F.Supp.
664; 18 U.S.C. §§ 241, 242, 1001; S.C. Code Ann § 17-25-10. 132

Insomuch, these very issues were at the heart of the matters that existed, in relevant part, during the time of Ex Parte Bain in 1887, and still vividly, with all certainty, exist now via Due Process within our modern day courts and system of jurisprudence, and by the constitutional rights of every citizen, of those who are held by us, and those who enter our borders or territories, these issues "[c]annot" be ignored. These issues of Due Process secured and protected by the rulings made in Ex Parte Bain in 1887, as well as in Gaither, Russell, Stirone and many other such holdings in other similar cases, still apply today and are protected by The U.S. Constitution and the laws of the United States. These concepts are designed to overlap in these matters to ensure a more true court of jurisprudence to its citizens, those who are held by us, and those who enter our borders or territories, for the sake of "justice and fairness".

In regard to State v. Gentry supra.; we are dealing with a "state law", in such a way designed, crafted, drafted, initiated, and set into place, that is egregiously contrary to the U.S. Constitution's inherent, intrinsic, and explicit presuppositions that by its very nature is intense espionage and diabolical sabotage, and stands in defiance to the rights of the commonwealth in violation of Due Process Law, establishing fraud upon the court, machination, modern day slavery behind a class based invidiously discriminatory animus in the form of racial hatred, surreptitiously done, because it disproportionately affect and harm the African Americans and minorities of the state and or nation. It creates the similarities seen in trials and or plea hearings that manifested themselves during the Nazi Occupation, the English Inquisition of 1518, the Spanish Inquisition of 1478, the Salem Witch Trials of the 17th. Century, the trials

and or hearings prior and during the Civil Rights Era, and the like; where trial and or plea hearings became an arbitrary action, a mere hollow and deceptive formality and or mechanism, utilized to snatch from the commonwealth their inalienable rights, and rob them of their God given liberty. The Judges of the Gentry court and defendants involved in these cases across the nation entered themselves into a deliberate plot and scheme to directly subvert the judicial process. The fraud in these cases is so broad that it involves far more than injury to a single litigate, but was rather a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot be complacently tolerated consistently with the good order of society Id at 246, 64 S.Ct. 997. This plot and fraud not only involved an intentional scheme to deceive the judiciary and any future subsequent higher court, but also touch on the public interest in a way that fraud between individual parties generally does not. These parties have enacted and or attempted a more egregious form of subversion of the legal process, one that was specifically designed to prevent us from being heard on the issue. Those forms of subversion that we cannot necessarily expect to be exposed by the normal adversarial process. No timely objection is necessary to address this issue. It can be raised at any time, even for the first time on appeal, creates extraordinary circumstances, manifest injustice, tolls the time of appeal and the court shall not fail to take notice, Fox Ex Rel Fox v. Elk Run Coal Co., Inc., 739 F3d. 131 CA4(2014); Massi v. Walgreen Co., 2013 WL 5410810 (DSC.2013); DeVeaux v. United States, F.Supp.2d., 2010 WL 8738108 (DSC.2010); Arata v. Village West Owners Ass'n Inc., S.E.2d., 2011 WL 11735004(S.C.App.2011); Chritianson v. M.B.N.A. American Bank N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); Ge-Zhang v. Promontery Interfinacial Network LLC., ---Fed. Appx'---, 2015 WL 75360 CA4 (Va.2015); Baccus v. Merchant, 2014 WL 1330984(DSC. 2014); McKissick v. Warden Evans C.I., 2013 WL 4585613(DSC.2013); Conyers v. Virginia Housing Development Authority, 585 Fed. Appx' 66 CA4 (Va.2014); Rogers v. Carr, S.E.2d., 2014 WL 2721025 (S.C.Ap..2014); Inglesias v. Wal-Mart Stores East L.P., 542

Fed. Appx' 295 CA4 (Va.2013); Simmons v. Bailum, S.E.2d., 2013 WL 8482376(S.C.App.,2013); Davis v. Davenport, 2013 WL 6840473 (DSC.2013); Burris v. Ware, 2014 WL 4293805(DSC.2014); United States v. Denedo, 556 U.S. 904, 129 S.Ct. 2213, 173 L.Ed.2d. 1235, 77 U.S.L.W. 4466, 09 Cal. Daily Op. Serv. 7069, (2009); McCann v. Brightharp, 399 S.C. 240, 730 S.E.2d. 916(S.C.App.2012); United States v. Boston, 539 Fed. Appx' 209 CA4 (N.C.2013); The Amistad supra., 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn. January 1841; Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 543; United States v Umana, 750 F3d. 320 CA4 (N.C.2014). 134

Inasmuch, the issues here go far beyond that of dealing with indictment defects, which are to be quashed by motion before a jury is sworn, or acknowledged, and or objected to before a guilty plea is given. The matters here in crucial part, do not have to necessarily be preserved for appellate review by a timely objection, but only need to be considered as a matter brought, conducted and or presented before the court in some fashion. The government "[m]ust [a]lways" be held accountable to judiciary for a man's imprisonment, and the restraints on liberty if the imprisonment does not conform to the basic requirements of Due Process Law. For the sake of "justice and judicial fairness", the appellant should not be penalized and made to suffer an onerous conviction, because hired counsel, and or counsel that the state appointed to represent him, was so inept and constitutionally ineffective, and or conspired under color of state law with the prosecution to cause irreparable harm to his proceedings, that he or she could not even see, or refuse to see the overwhelmingly obvious defects in an indictment presented before the court. Thereupon, the appellant, who later after conviction, or the fraud produced by the Gentry case, previously having no knowledge of law, and little to no access to legal books or materials before his trial and or plea hearing, later discovers the Gentry fraud and these "[p]lain", "[c]lear", "[e]gregious", Subject Matter Jurisdiction and Due Process issues and or errors producing manifest injustice should not in all fairness be barred from calling these matters

to the attention of the courts in order to seek relief, Shelton v. Ciccone supra.; Evitts v. Lucy supra.; Gray supra.; Powell v. Alabama supra.; United States v Promise supra.. The issues disproportionately effect and harm African American and other minorities. 135

CONCLUSION:

Insomuch, there were no holdings made in the Gentry, Cotton and Parkhurst cases that would justify and or serve to detach from the indictment(s) the 4th., 5th., 6th., 13th., 14th. and 15th. Amendment issues aforementioned within this document made applicable to states by they adopting such via their states Constitutions and or via the Supremacy Clause of the U.S. Constitution. Likewise, there were no holdings made in those cases that would justify and or serve to detach from the indictment the Due Process issues aforementioned within this document.

By the holdings made in the Gentry case. That court essentially took the position that the court's powers of Subject Matter Jurisdiction are "[a]bsolute" via state legislative statutes or Congressional statutes or enactments of law, and at "[n]o" time can that "[p]ower" be divested and or voided. The Gentry court essentially claimed there can be no situation that can divest or void jurisdiction. This is a ludicrous and criminal position to take which will be proven by judicial determinations made after the Gentry case was established.

There are essentially (2) prongs to Subject Matter Jurisdiction. One (1) is where the courts "[l]ack" Subject Matter Jurisdiction (ei. where a Family Court would attempt to try a criminal case, or a Probate Court would attempt to try a Military Tribunal case.). Of course in these situations those courts would "[l]ack" Subject Matter Jurisdiction.

This is essentially what the Cotton court was saying (36) which is the reason why the litigant in that case did not prevail. By state and Federal statutes or Congressional enactments, specific courts have jurisdiction to hear cases of a general class (ei. criminal courts have jurisdiction to hear criminal cases). But (2) There is a second prong to Subject Matter Jurisdiction where jurisdiction is made void because of Due Process violation despite any existing state statute or federal law. So the Cotton court was essentially saying was that the litigant, by the language he presented. He was arguing his claim under the incorrect prong. More specific, the litigant should have asserted that jurisdiction is made void due to a particular Due Process violation, see U.S. v. \$41,320 U.S. Currency supra.; Hunt v. United States supra.; White v. Manis supra.; U.S. v. Aladekcha supra.; Brown v. U.S. supra..

The Gentry court knew the Cotton court was vague on this issue and went on a "FISHING EXPEDITION" to find Cotton and Parkhurst so that they could adjudicate the Gentry case under the same incorrect prong to defraud the inmates of this state in acts of machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016). Like the Article V § 4 orders leading to the claims of default and collateral estoppel in these cases emerging from case 2013-CP-400-0084 in the Richland Court Of Common Pleas. The Sufficiency of an indictment is a "[j]urisdictional [p]rerequisite" and Due Process claim that voids jurisdiction as opposed to the other prong where the Family Court would attempt to try a criminal case and would "[l]ack" Subject Matter Jurisdiction. The Due Process Prong is what we are arguing the Article V § 4 orders, the claim of default and collateral estoppel, to include the structural constitutional error of religious prophesy pertaining to the indictments predetermining in advance the outcome of the proceedings, taking away our presumption of innocence, convicting us before we plea or go to trial, disenfranchising us of our right to vote, establishing modern day slavery in violation of the C.A.T. Treaty under. Congress confers upon no court the power to esta-

blish modern day slavery, The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024. 137

When the constitutionality of a ruling is in doubt (ei. The Cotton and Gentry cases). The court has an obligation to interpret the Cotton case as it relates to Gentry, Abrams, Gaither, Stirone, Russell and the voiding of jurisdiction for Due Process violation under the Due Process Prong, not the other. "STARE DECISIS ET NON QUIENTA MOVERE". Once this was decided the courts should have never moved from it. Certain violations of Due Process void jurisdiction when they give way to arbitrary judicial action. See S.C. Code Ann § 17-25-10 and 9 F.Supp.3d. 582.

If a criminal case is appealed, but no trial transcript is produced, what occurs? The trial transcript is a "[j]urisdictional" requirement in the appeals court. The court must remand for a new trial and or reconstruction hearing. If a case is in the state court, and a petition to remove is filed, what occurs? The state court's jurisdiction is divested and that court cannot proceed until remand order is issued or the federal case is dismissed, State v. Ladson, 373 S.C. 320, 644 S.E.2d. 271(S.C.App.2007); Lovett v. Deutsche Bank Nat' Trust Co., F.Supp 2d., 2013 WL 841679(DSC.2013). A case is in the lower court. A motion is filed where adverse ruling is given. The person appeals it, what occurs? The higher court cannot hear it without the "[j]urisdictional [p]rerequisite" final order, see Fortmill v. Fitzgerald, S.E.2d., 2014 WL 7339453(S.C.App.2014). In civil cases parties must be in compliance to all the rules of constructive service. Compliance is "[j]urisdictional [p]rerequisite". If step is omitted (comparingly a sufficient indictment is omitted) decree or ruling is void, see Caldwell v. Winkvist, 402 S.C. 565, 741 S.E.2d. 583(S.C.App.2013). Where case is filed in the U.S. District Court, but parties file a second to subvert the District Court's jurisdiction in the state court. This act would void the state court's jurisdiction. Thus, jurisdiction is "[n]ot" absolute despite legislative statute or state or federal law, see Ackerman v. Exxon Mobil Corp., 734 F3d. 237

CA4 (Md.2013). Money amounts are jurisdictional in Wills, Probate and Estates, see Dickerson v. Alexander Hospital, 177 F2d. 876 CA4 (Va.1949); Aladeckcha, 2010 WL 4054267(2010). 138

When a conviction fails to comport with Due Process if statute under which it is obtained, and we can add to this, an indictment fails to comport to Due Process and fails to provide a person of ordinary intelligence "fair" notice or other essential requirements of Due Process (ei. Double jeopardy protection, presumption of innocence) jurisdiction is void. If the court fails to act in a manner consistent with Due Process and authorizes and or engages in or encourages arbitrary and discriminatory judicial or other practices (ei. Deny us the Equal Protection of the Laws, constructively amending indictments on essential elements, taking away our presumption of innocence, predetermining in advance the outcome of the proceedings by indictment language, spoliating documents and or evidence, illegally seizing evidence and or Foreign Sovereigns, engaging in acts of machination, fraud upon the court, essentially establishing modern day slavery where we are not "DULY" convicted, disenfranchising us of the right to vote behind racial animus, depriving us of proper notice in violation of S.C. Code Ann § 17-25-10, the 4th., 5th., 6th., 8th., 13th., 14th., 15th. amendment(s), producing arbitrary judicial action. Jurisdiction is made void for Due Process violation, Gentry Technology Of S.C. Inc. v. Baptist Health South Florida,...2015 WL 1219251 (DSC.2015); Yates Estate Of Yates, 2014 WL 2579917(S.C.App.2014); Ware v. Ware, 404 S.C. 1, 743 S.E.2d. 817(S.C.App.2013); Orlando Residence Ltd. v. Hilton Head Hotel Investors, F.Supp.2d., 2013 WL 1103027(DSC.2013); Federal Land Bank Ass'n Of Asheville N.C. v. C.I.R., 573 F2d. 179 CA4 (1978); Al Shimani v. C.A.C.I. Inter. Inc., 679 F3d. 205 CA4(Md.2012). The use of United States v. Cotton, Parkhurst and Gentry must be deemed misplaced and or overruled due to vagueness, Johnson v. United States,---S.Ct.--,2015, WL 2473450(U.S.2015); U.S. v. McKee, 506 F3d. 225, 229-232(3rd.Cir.2007); U.S. v. Huet, 665 F3d. 588(3rd.Cir.2008);

Ingram v. Phillips, 36 S.C. L. 200, 1850 WL 2857 S.C. App. Law 1850; Lewis-Murray v. Murray, S.E.2d., 2005 WL 7084812(S.C.App. 2005); Bankers v. South Carolina, F.Supp.2d., 2010 WL 558580 (DSC.2010); Lampman v. Demolff Boberg & Associates Inc., 319 Fed. Appx' 293 CA4 (S.C.2009); United Student Aid Funds Inc. v. Espinosa, 559 U.S. 260, 130 S.Ct. 1367(U.S.2010); Arata v. Village West Owners Ass'n Inc., S.E.2d. 2011 WL 11735004(S.C.App. 2011); Elderberry Of Weber City, LLC v. Living Centers Southeast Inc., ---F3d.---, 2015 WL 4430836 CA4(Va.2015). The judgment in the appellant(s) case and these other cases (ei. Gentry et.al.), are effected by fundamental infirmities. These infirmities may be raised after any judgment becomes final. Thus, the appellant(s) motion that the conviction and sentence be vacated, that an order issue expunging my record and the other inmates records due to seeking of class action certification and all monies that were paid out (ei. restitution etc.) be returned, United States Aid Funds, Inc. v. Espinosa supra.; Vose v. Hanahan, 10 Rich 465, 1857 WL 3239 S.C. Err. 1857; Norberger v. Hinkle, 576 Fed. Appx' 224 CA4(Va.2014); Jones v. Sternheimer, 387 Fed. Appx' 366, 2010 WL 2711305 CA4(Va.2010); U.S. v. Watson, ---F3d.---, 2015 WL 4385697 CA4(Va.2015); Harley v. South Carolina Dept. Of Corrections, 2013 WL 5428585(DSC.2013); People v. Rogers F.Supp.2d., 2010 WL 424201(DSC.2010); Gentry Technologies Of S.C. Inc. v. Baptist Health South, Florida Inc., 2015 WL 1219251 (DSC.2015).

The S.C. Attorney General and The United States are both parties to the default and claims of Res Judicata and or collateral estoppel emerging from case 2013-CP-400-0084 in the Richland County Court Of Common Pleas as they relate to these issues presented despite their efforts at fraud, machination and criminal conspiracy. Jurisdictional bar to challenge attaches, In RE: Variant Enterprise Inc., 81 F3d. 1310(4th.Cir. 1996); Bashnight, 551 S.E.2d. 274; Reot v. County Of Fairfax, 541 Fed. Appx' 333(4th.Cir.2013); Wells Fargo Bank, N.A. v. Farag, 2016 WL 2944561(2016).

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES SUCH AS THE ONES BEING ARGUED WITHIN THIS CASE. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDES FRAUD. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDING, CONFIRMING THAT "FRAUD VITIATES EVERYTHING". AN UNCONSTITUTIONAL LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION IS "VOID" AND IS AS IF THERE WERE NO LAW OR ACT OR JUDICIAL DETERMINATION MADE OR DONE AT ALL, BEING STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT AND OR LAW, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS "WHOLLY VOID" AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE ANY JUDICIAL DETERMINATION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT AND OR WHEN IT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR LAW AND OR ACT IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO MAINTAIN A CONVICTION), CONFERS NO RIGHTS (YOU HAVE NO RIGHT TO THIS CONVICTION PRODUCED BY FRAUD), CREATES NO OFFICE (JUDICIAL OR OTHERWISE), BESTOWS NO POWER OR AUTHORITY ON ANY PERSON (EMPHASIS ADDED)[WHICH MEANS THAT YOUR JURISDICTION IS VOID PLACING YOU IN FORFEITURE.], AFFORDS NO PROTECTION (YOU ARE NOT IMMUNE IF YOU FAIL TO CORRECT THIS INJUSTICE), AND JUSTIFIES NO ACTS PERFORMED UNDER IT....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE BY THE FRAUD UPON THE COURT THAT OCCURRED RELATED TO THESE ISSUES. AN UNCONSTITUTIONAL LAW AND OR STATUTE OR ACT OR JUDICIAL DETERMINATION CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW. INDEED INSOFAR AS A JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR ACT RUN COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S. CONSTITUTION, THAT INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL

LAW OR JUDICIAL DETERMINATION. ALL RULES, STATUTES, PRACTICES
(LIKE THE FRAUD AND MACHINATIONS ENGAGED IN INVOLVING THESE
LEGAL ISSUES), WHICH ARE REPUGNANT TO THE U.S. CONSTITUTION
ARE "NULL" AND "VOID", PYNE v. UNITED STATES, F.Supp.3d., 2016
WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH)
137, 180; VINES v. UNITED STATES, 28 F3d. 1123 CRIM. LAW 1163(1),
1165(1); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED CERT.
GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d.
129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON
v. UNITED STATES, --S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY
v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063
(U.S.2016); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d.
723(U.S.2016); GETT OUTDOORS LLC. v. CONSOLIDATION CITY OF INDI-
ANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D.Ill.; HILL v. SNYDER,
821 F3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d.,
2017 WL 1838423(2017); 24 SENATORIAL DISTRICT REPUBLICAN COM-
MITTEE v. ALCORN SUPRA.; VAETH v. BOARD OF TRUSTEES SUPRA.;
WELL FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC. SUPRA.;
MOSLEY v. UNITED STATES SUPRA..

EXHIBIT, "STATEMENT FRAUD"

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EGREGIOUS ACTS OF FRAUD UPON THE COURT, RENDERING THESE PROCEEDINGS UNCONSTITUTIONAL WHICH VOID THE COURTS INVOLVED JURISDICTION FOR DUE PROCESS VIOLATION. THUS, THE SENTENCE AND CONVICTION MUST BE VACATED. THE APPLICANT MOVES FOR SUCH, BLUE SKY TRAVEL AND TOURS, LLC. v. AL TAYYAR, --Fed. Appx'--, 2015 WL 1451636 CA4 (Va.2015); NORTH AMERICAN RESCUE PRODUCTS INC. v. RICHARDSON, 411 S.C. 371, 769 S.E.2d. 237 (S.C.2015); ASTERBADI v. LEITESS, 176 Fed. Appx' 426 CA4 (Va.2006); MASSI v. WASHINGTON CO., 2013 WL 5410810(DSC.2013); PYNE v. UNITED STATES, F.Supp.3d. , 2016 WL 1377402(D.C.Md.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); WELL FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MOSLEY v. UNITED STATES, 2018 WL 1187778(W.D.N.C.2018); M.D.C. INNOVATIONS, LLC. v. NORTHERN, --Fed Appx'--, 2018 WL 1129607 (4th.Cir.2018); HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 249(U.S.2017).

ISSUE NUMBER 5:

DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 4TH., 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV§2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE COURT AND PROSECUTION ALLOWING INTO EVIDENCE STATEMENTS THAT WERE FRAUDULENTLY OBTAINED IN VIOLATION OF THE APPLICABLE STATUTES WHERE THERE WAS NO EVIDENCE ADDUCED AT TRIAL THAT DEMONSTRATE THE WITNESSES WERE GIVEN A COPY OF THE STATEMENTS AT THE TIME THEY WERE MADE AS THE STATUTE AND DUE PROCESS LAW REQUIRES, NOR WAS THERE SIGNED BY THEM A COPY OF A RECEIPT FOR THE TAKING THEREFOR?

JUDICIAL NOTICE TAKES PLACE OF PROOF. IT SIMPLY MEANS THAT THE COURT WILL ADMIT INTO EVIDENCE AND CONSIDER, WITHOUT

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PROOF OF FACTS, MATTERS OF COMMON AND GENERAL KNOWLEDGE, MOSS
V. AETNA LIFE INS. CO. SUPRA.; STATE V. BROAD RIVER POWER CO.
SUPRA.; 31 C.J.S. EVIDENCE §§ 6 AND 9; FEDERAL RULES OF EVIDENCE,
RULE 201(a).

THIS IS ALSO A MANIFEST CONSTITUTIONAL ERROR. AN ERROR
ON THE PART OF THE TRIAL COURT THAT HAS AN IDENTIFIABLY NEGATIVE
IMPACT ON THE PROCEEDINGS TO SUCH A DEGREE, THAT THE CONSTITU-
TIONAL RIGHTS OF THE PARTY ARE COMPROMISED. A MANIFEST CONSTITU-
TIONAL ERROR CAN BE REVIEWED BY A COURT OF APPEALS EVEN IF THE
APPELLANT DID NOT OBJECT AT THE PROCEEDINGS, (BLACK LAW DIC-
TIONARY 8TH. EDITION.).

THIS ISSUE IS ALSO JURISDICTIONAL IN NATURE, IN THAT
BY SUCH ACTION IT RENDERS THE PROCEEDINGS UNCONSTITUTIONAL AND
A VIOLATION OF DUE PROCESS. ANY ACT THAT STANDS IN BLATANT DEFI-
ANCE TO THE U.S. CONSTITUTION AND DUE PROCESS LAW CORRUPTS THE
ENTIRE PROCEEDINGS, AND DUE TO THE FRAUD UPON THE COURT WHICH
IS ATTACHED TO IT. IT IS AS IF THERE WERE NO FINAL ORDER OR
JUDICIAL DETERMINATION MADE IN THIS CASE AT ALL, MONTGOMERY
V. LOUISIANA SUPRA.; 24 SENATORIAL COMMITTEE V. ALCORN SUPRA.;
MCCOY V. LOUISIANA SUPRA.; U.S. V. \$41,320 U.S. CURRENCY SUPRA.;
WHITE V. MANIS SUPRA.; BROWN V. U.S. SUPRA.; WELLS FARGO BANK
N.A. V. FARAG SUPRA..

S.C. CODE ANN §§ 17-25-10; 1-7-730 AND 17-13-150, REQUIRE
THAT THE PROSECUTING BODY "[S]HALL" FULFILL, AND SEE THAT ALL
DUTIES, REQUIREMENTS AND RULES OF PROCEDURE RELATED TO CRIMINAL
DUE PROCESS AND OR THE STATE AND FEDERAL CONSTITUTION AND OR
STATE AND FEDERAL LAW ARE ADHERED TO AND PROPERLY COMPLETED
WITHIN THE COURT(S).

THIS ACTION ALSO CONSTITUTE AN ACT OF FRAUD UPON THE
COURT DESIGNED TO PREVENT THE APPLICANT FROM BEING HEARD WITHIN
THE PROPER AND FAIR BOUNDARIES OF DUE PROCESS LAW WHERE THE
JUDGES INVOLVED WERE COMPLACENT, VIOLATING THEIR OATHS OF OFFICE
TO UPHOLD THE STATE AND FEDERAL CONSTITUTION WHEN IT WAS THEIR
DUTY AS FIDUCIARY TO THE PUBLIC TO SPEAK WHEN THEY SEEN THAT

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THE STATEMENTS AND TESTIMONY RELATED THERETO WERE BEING INTRODUCED AS EVIDENCE WHEN SUCH EVIDENCE AND STATEMENTS PRODUCED, SPIT IN THE FACE OF DUE PROCESS LAW AND BLATANTLY VIOLATE THE APPLICABLE STATUTES RELATED THERETO. THE COURT'S SILENCE ESTABLISHES THE FRAUD TAINING THE ENTIRE PROCEEDINGS VITIATING THE CONVICTION WHERE FRAUD VITIATES EVERYTHING THAT IT ENTERS, RENDERING THE PROCEEDINGS UNCONSTITUTIONAL, VOIDING THE COURTS INVOLVED JURISDICTION. FRAUDULENT CONCEALMENT AND SUPPRESSION OF TRUTH WITH INTENT TO DECEIVE OR EVEN WITHOUT MISREPRESENTATION OR DUTY TO DISCLOSE CAN CONSTITUTE FRAUD, EVEN IN ABSENCE OF FIDUCIARY DUTY, STATUTORY, OR OTHER INDEPENDENT LEGAL DUTY TO DISCLOSE MATERIAL INFORMATION, COMMON LAW FRAUD INCLUDES ACTS TAKEN TO CONCEAL, CREATE FALSE IMPRESSION, MISLEAD, OR OTHERWISE DECEIVE TO PREVENT OTHER PARTY FROM ACQUIRING MATERIAL INFORMATION SUCH AS THAT WHICH OCCURRED IN THIS INSTANCE. THE MATERIAL INFORMATION CONCEALED IS THAT THEY FRAUDULENTLY ENTERED THE TESTIMONY AND STATEMENTS INTO THE COURT RECORD KNOWING FULLY WELL THAT BY DUE PROCESS LAW THEY COULD NOT DO SO, BECAUSE THE STATEMENTS STOOD IN BLATANT VIOLATION OF THE APPLICABLE STATUTES AND THE COURT WAS PRIVY TO IT ALSO PRODUCING FRAUD UPON THE COURT. IT WAS THE COURTS INVOLVED DUTY TO SPEAK RENDERING THE PROCEEDINGS UNCONSTITUTIONAL AND VOIDS THE COURTS INVOLVED JURISDICTION WHERE THEY CONSPIRED UNDER COLOR OF STATE LAW WITH THE PROSECUTOR TO BRING THIS CASE, U.S. v. COTTON, 231 F3d. 890 (4th.Cir.2000); IN RE: DURAMAX DIESEL LITIGATION, --F.R.D.--, 2018 WL 949856(E.D.Mich.2018); UNITED STATES v. PALIN, 874 F3d. 418(4th.Cir.2017); UNITED STATES v. LUSK, 2017 WL 508589(S.D.Va. 2017); UNITED STATES v. CALLOWAY, F.Supp.3d., 2016 WL 4269961 (N.D.Cali.2016); MORRISON v. ACCUWEATHER INC., 2016 WL 3015226 (M.D.Pa.2016); HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 249(U.S.2017); PHILLIPS v. BROCK & SCOTT, PLLC., 2017 WL 3226866(D.C.Md.2017); MOSLEY v. UNITED STATES, 2018 WL 1187778(W.D.N.C.2018); MILFORD v. MIDDLETON, 2018 WL 348059(DSC.2018); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); IN RE: BUILDING MATERIAL CORP. OF AMERICA ASPHALT ROOFING SHINGLES PRODUCTS, F.Supp.3d., 2013 WL 1827923(DSC.2013); ARATA v. VILLAGE WEST OWNERS ASS'N INC., S.E.2d., 2011 WL 11735004(S.C.App.2011); ROBINSON v. ESTATE

OF HARRIS, 388 S.C. 630, 698 S.E.2d. 222(S.C.2010); WELLS FARGO BANK N.A. v. FARAG, 2016 WL 2944561(N.C.2016).

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SO THE LAW IS WRITTEN, "ITA LEX SCRIPTA EST", S.C. CODE ANN § 19-1-80 STATE IN [H]AEC [V]ERBA:

"CONDITIONS ON EXAMINATIONS OF WITNESSES IN CRIMINAL PROCEEDINGS CONCERNING WRITTEN STATEMENT(S) MADE TO PUBLIC EMPLOYEE(S)---NO WITNESS IN ANY PRELIMINARY HEARING OR IN ANY CRIMINAL JUDICIAL PROCEEDING OF ANY KIND OR NATURE, SHALL BE EXAMINED OR CROSS-EXAMINED BY ANY EXAMINER, SOLICITOR, LAWYER OR PROSECUTING OFFICER CONCERNING A WRITTEN STATEMENT FORMERLY MADE OR GIVEN TO ANY PERSON EMPLOYED BY THIS STATE, OR ANY COUNTY, CITY OR MUNICIPALITY THEREOF, OR ANY PART OF ANY SUCH GOVERNMENTAL BODY, UNLESS IT FIRST BE SHOWN THAT AT THE TIME OF MAKING OF THE STATEMENT THE WITNESS WAS GIVEN AN EXACT COPY, AND THAT BEFORE ANY EXAMINATION OR CROSS-EXAMINATION THE WITNESS WAS GIVEN A COPY OF THE STATEMENT AND ALLOWED A REASONABLE AMOUNT OF TIME IN WHICH TO READ IT, AND THE WITNESS SIGNED A RECEIPT TAKEN THEREFOR", STATE v. MOTES, (S.C.1975) 215 S.E.2d. 19; STATE v. STEADMAN, 257 S.C. 528, 186 S.E.2d. 712(1972).

S.C. CODE ANN § 19-1-90 STATE IN "[H]AEC [V]ERBA:"

"ADMISSIBILITY IN CRIMINAL PROCEEDINGS OF WRITTEN STATEMENTS MADE TO PUBLIC EMPLOYEE(S)---UNLESS THE PROVISIONS OF S.C. CODE ANN §§ 8-15-50 AND S.C. CODE ANN § 19-1-80 HAVE BEEN COMPLIED WITH, NO STATEMENT SUCH AS REFERRED TO IN THOSE SECTIONS SHALL BE ADMISSABLE INTO EVIDENCE IN ANY CASE, NOR SHALL ANY REFERENCE BE MADE TO IT IN ANY TRIAL OF ANY CASE".

NOW LETS ADDRESS THIS MATTER AND NAIL IT TO THE WALL. FIRST YOU HAVE THE WITNESS JAMES BOYKINS STATEMENT. HIS STATEMENT WAS NEVER WRITTEN BY HIM. IT WAS WRITTEN BY ONE OF THE INVESTIGATING OFFICERS INVOLVED AND THE HE SIGNED IT. THE STATUTE AND DUE PROCESS LAW REQUIRES THAT THE WITNESS WRITE HIS OWN STATEMENT UNLESS THERE IS SOME JUSTIFIABLE REASON AS TO WHY HE CAN'T AND THEN SIGN IT, NOT THE OFFICERS INVOLVED WRITING IT. THUS, THE DOCUMENT CONSTITUTE AN ACT OF FRAUD AND OR FRAUDULENT MISREPRE-

SENTATION.

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FURTHER, THE STATEMENT HAS A FRAUDULENT ENTRY IN IT, IN THAT IT ASSERTS A COPY OF IT WAS GIVEN AT THE TIME IT WAS MADE WHICH NO SUCH COPY WAS EVER GIVEN TO HIM THE TIME HE MADE THE STATEMENT WHICH IS WHY THE PROSECUTOR PURPOSELY, MALICIOUSLY NEVER ASKED THIS PARTICULAR WITNESS THIS QUESTION WHEN HE WAS ON THE WITNESS STAND. THE COURT AND THE PROSECUTOR BOTH KNEW THAT IF BOYKIN WAS MADE TO ANSWER THIS ESSENTIAL, CRITICAL QUESTION ON THE WITNESS STAND. IT WOULD HAVE IMMEDIATELY PRODUCED EVIDENCE THAT THE DOCUMENT WHICH EMBELLISHED HIS STATEMENT CONTAINED A FRAUDULENT ENTRY MAKING IT AND ANY TESTIMONY GIVEN RELATED THERETO INADMISSIBLE DUE TO THE DOCUMENT ALSO BEING ESTABLISHED IN BLATANT VIOLATION OF THE APPLICABLE STATUTES.

BUT THE CONSPIRING UNDER COLOR OF STATE LAW AND ACTS OF OBSTRUCTION OF JUSTICE WITH ITS FRAUD GO BEYOND THIS. THE COURT AND PROSECUTION KNEW EVEN BEFORE THE TRIAL COMMENCED THAT NONE OF THE OTHER WITNESSES STATEMENTS WERE IN COMPLIANCE WITH THE APPLICABLE STATUTES AS WELL. WITHOUT THESE STATEMENTS AND THE TESTIMONY RELATED THERETO, IT WOULD HAVE BEEN IMPOSSIBLE FOR THE STATE TO BRING THIS CASE. SO THE COURT AND PROSECUTOR CONCEALED THESE MATERIAL FACTS. TO CONCEAL THIS MATERIAL FACT, WHICH ALSO VIOLATE THE DISCOVERY PROVISIONS OF LAW PURSUANT TO WEARRY v. CAIN, 136 S.Ct. 1002, 194 L.Ed.2d. 79(U.S.2016) WHERE THEY MADE USE OF THE OFFICER'S SUPPLEMENTAL REPORTS IN PLACE OF THE REQUIRED WRITTEN STATEMENTS, TO CIRCUMVENT, REMAIN SILENT, AND CONCEAL THE MATERIAL FACT THAT THE STATEMENTS AND ALL TESTIMONY MADE BY THE WITNESSES JOYCE WRIGHT, FELICIA COAXUM, AKEEM ASHBY, TIANNA CHANCE COLLINS, LANTANIA ASHBY, ROBERT PORCHER, FELICIA SIMMONS, ALL, STOOD IN BLATANT DEFIANCE TO THE APPLICABLE STATUTES AND DUE PROCESS LAW. ALSO BY THEY ENGAGING IN THIS FRAUD. IT ESTABLISHES CLEAR ACTS OF OBSTRUCTION OF JUSTICE, BENTON v. BURNS, 2017 WL 491251(D.C.Md.2017); PEGG v. HEARNBERGER, 845 F3d. 112(4th.Cir.2017); JOHNSON v. BYRD, 2016 WL 6839410(N.C.2016); GRAHAM v. GAGNON, 831 F3d. 176(4th.Cir.2016); STATE v. BRANDT, 393 S.C. 526, 713 S.E.2d. 591(S.C. 2011); NORTH AMERICAN RESCUE PRODUCTS, INC. v. RICHARDSON, 411

S.C. 371, 769 S.E.2d. 237(S.C.2015); SOUTHEASTERN SITE PREP, LLC. v. ATLANTIC COAST BUILDERS AND CONTRACTORS, LLC., 394 S.C. 97, 713 S.E.2d. 650(S.C.App.2011).

WHEN YOU LOOK AT THE RESULTS OF THIS MISCARRIAGE OF JUSTICE WHERE BY SUCH ACTS, I WAS DENIED THE EQUAL PROTECTION OF THE LAWS. I WAS DENIED MY RIGHT OF PRISTINE DUE PROCESS UNTAINTED BY FRAUD. I WAS DENIED MY RIGHTS TO A FAIR AND IMPARTIAL TRIAL. I WAS DENIED MY RIGHT TO A DIRECT VERDICT BECAUSE WITHOUT THESE FRAUDULENTLY OBTAINED STATEMENTS AND THE TESTIMONY SUBMITTED AT TRIAL RELATED THERETO. THE COURT AND PROSECUTOR WOULD HAVE NEVER BEEN ABLE TO MEET ITS BURDEN OF ESTABLISHING THE ELEMENTS OF THE OFFENSE(S) CHARGED AND OR THE CORPUS DELECTI PERTAINING TO THESE MATTERS. THE AMOUNT OF OVERWHELMING PREJUDICE EXPERIENCED BY THE APPLICANT BECOMES PAINFULLY OBVIOUS. THUS, THIS EVIDENCE AND OR TESTIMONY OBTAINED BY FRAUD IS INADMISSIBLE, CHRISTIANSON v. M.B.N.A. AMERICAN BANK N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); CALDWELL v. WIKUIST, 402 S.C. 595, 741 S.E.2d. 583(S.C.App.2013); ANDERSON BROS. BANK v. E.B.T. PROPERTY HOLDING CO., INC., S.E.2d., 2013 WL 8507807(S.C.App.2013); TILLMAN v. TILLMAN EX REL ESTATE OF TILLMAN, S.E.2d., 2013 WL 8508106; MILLER v. COLUMBIA FOREST INC., S.E.2d., 2014 WL 5390504(S.C. App.2014); SPRINGOB v. UNIVERSITY OF SOUTH CAROLINA, 407 S.C. 490, 757 S.E.2d. 384(S.C.2014).

THE SOUTH CAROLINA SUPREME COURT IN SUBSEQUENT CASES GAVE GREATER CLARITY TO THIS ISSUE. THAT COURT DETERMINED THAT THE PROSECUTING AGENTS AND OR LAW ENFORCEMENT OFFICERS WHO TOOK THE STATEMENT, DO NOT HAVE TO GIVE A COPY OF THE STATEMENT(S) AT THE EXACT TIME THAT IT WAS MADE. BUT IT "[M]UST"(EMPHASIS ADDED) BE GIVEN TO THE PERSON MAKING THE STATEMENT A REASONABLE TIME SHORTLY AFTER THE STATEMENTS WERE MADE. WE WILL SAY (60) DAYS AFTER THE STATEMENTS WERE TAKEN TO BE FAIR TO THE STATE PROSECUTORS AND OR LAW ENFORCEMENT OFFICERS. IN FUNDAMENTAL FAIRNESS TO THE APPLICANT AND OR ACCUSED, IT CANNOT BE CONSTRUED TO MEAN OVER (3) YEARS WHICH APPEAR TO BE THE CASE HERE, STATE v. COPELAND, 321 S.C. 318, 468 S.E.2d. 620(1996); BANNISTER v. STATE, (S.C.1998) 333 S.C. 298, 509 S.E.2d. 807; STATE v.

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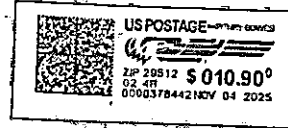
BUTLER, (S.C.1982) 277 S.C. 454, 290 S.E.2d. 1, CERT. DENIED.
103 S.Ct. 242, 459 U.S. 932, 74 L.Ed.2d. 191. THERE IS NO ROOM
FOR THE COURT TO IMPOSE A DIFFERENT JUDGMENT BASED UPON ITS
OWN NOTIONS ONCE THE STATE LEGISLATORS AND SOUTH CAROLINA SUPREME
COURT HAS MADE THEIR DETERMINATION ON THIS ISSUE. THE PLAIN
MEANING RULE APPLIES IN THIS INSTANCE, BASS v. ISOICHEM, 617
S.E.2d. 369(S.C.App.2005); STATE v. BRANNON, 666 S.E.2d. 272
(S.C.App.2008); STATE v. PITTMAN, 647 S.E.2d. 144(S.C.2007);
LIBERTY MUT. INS. v. S.C. SECOND INJURY FUND, 611 S.E.2d. 297
(S.C.App.2005); BANK MARKAZI v. PETERSON, 136 S.Ct. 1310, 194
L.Ed.2d. 463, 84 U.S.L.W. 4222(U.S.2016); U.S. v. BASTON, 818
F3d. 651(11th.Cir.2016); STAR ATHLETICA, LLC. v. VARSITY BANDS,
INC., 137 S.Ct. 1002, 197 L.Ed.2d. 354, 85 U.S.L.W. 4139(U.S.
2017); ENCINO MOTOR CARS LLC. v. NAVARO, 136 S.Ct. 2117, 195
L.Ed.2d. 382, 84 U.S.L.W. 4424(U.S.2016). TO DENY THIS RIGHT
OF THE APPLICANT AND FACT WOULD VIOLATE THE EQUAL PROTECTION
OF THE LAWS CLAUSE AS THE CONSPIRING STATE ACTORS AND COURT
DID, ACTING ARBITRARILY UNDER COLOR OF STATE LAW TO CONCEAL
MATERIAL FACTS IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001, DONA-
TONI v. DEPARTMENT OF HOMELAND SECURITY,--F.Supp.3d.--, 2016
WL 1755871; U.S. v. HARE, 820 F3d. 93(4th.Cir.2016); U.S. v.
LAWRENCE, F.Supp.3d., 2015 WL 856866 (S.D.Va.2015); MINA v.
CHESTER COUNTY, F.Supp.3d., 2015 WL 6550543(2015).

THE STATE AND OR PROSECUTING BODY, ACTING UNJUSTLY, ARBI-
TRARILY, CONSPIRING UNDER COLOR OF STATE LAW, HAS EGREGIOUSLY
FAILED TO ADHERE NOT TO JUST THE S.C. AND U.S. CONSTITUTIONS,
BUT ALSO FAILED TO ADHERE TO THEIR OWN STATE LAWS, SERVING TO
DENY THE APPLICANT THE EQUAL PROTECTION OF THE LAWS AGAINST
UNJUST, ARBITRARY PROSECUTION AND JUDICIAL ACTION IN ACTS OF
FRAUD UPON THE COURT, GREAT COASTAL EXP. INC. SUPRA., 675 F2d.
1349(4th.Cir.1982); U.S. v. BEGGERLY, 524 U.S. 38, 118 S.Ct.
1862, 141 L.Ed.2d. 32(U.S.1998); U.S. v. TEJADA, 445 Fed. Appx'
719, 2011 WL 3891825 CA4 (S.C.2011); SCREWS v. UNITED STATES
SUPRA.; STATE v. MIDDLETON SUPRA.; ESLINGER v. THOMPSON SUPRA.;
MCLAUGHLIN v. FLORIDA SUPRA.; DUBINKA v. JUDGES OF SUPERIOR
COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES
SUPRA.; HICKS v. OKLAHOMA SUPRA.; JONES v. ARKANSAS SUPRA.;
LUGAR v. EDMONDSON OIL CO. SUPRA.; GREENWOOD v. PEACOCK, (19666)

384 U.S. 808, 16 L.Ed.2d. 944, 86 S.Ct. 1800; UNITED STATES v. OTHERSON, (1980 CA9 Cal.) 637 F2d. 1276 CERT. DENIED (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; S.C. CODE ANN §17-25-10.

BY THE ISSUES ARGUED WITHIN THIS CASE, THE CONVICTION DOES NOT COMPORT WITH DUE PROCESS. WHEN AN OFFICER OF THE COURT AND OR STATE, SHALL USE THEIR POWERS PURSUANT TO ARREST AND OR PROSECUTION, IN EGREGIOUS ACTS OF PROSECUTIONAL MISCONDUCT, FRAUD UPON THE COURT AND MACHINATION, FOR ULTERIOR MOTIVES AND INCARCERATE AND OR PROSECUTE AN ACCUSED FOR THE PURPOSE OF ENGAGING IN MALICIOUS, ARBITRARY, FRAUDULENT AND CRIMINAL ACTS, WILLFULLY SUBJECTING THE APPLICANT TO DEPRIVATION OF ANY RIGHTS, IMMUNITIES OR PRIVILEGES SECURED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES WITHIN ANY STATE, DISTRICT OR TERRITORY AS THEY DID IN THIS CASE. THEY SHALL BE SUBJECT TO STATE AND FEDERAL PENALTIES. BY WHAT HAS BEEN DONE HERE PRODUCING OVERWHELMING PREJUDICE AND RACIAL ANIMUS IN VIOLATION OF 28 U.S.C. §§ 1985(2), 1985(3) AND 1986. SUCH ACTION IS INDISPUTABLY DEPRIVATION OF RIGHTS, IMMUNITIES AND PRIVILEGES OF THE ACCUSED TO LIBERTY AND A VIOLATION OF 18 U.S.C. §§ 242 AND 1001. NEITHER THREAT, NOR VIOLENCE IS A NECESSARY INGREDIENT OF THE OFFENSE UNDER THESE CIRCUMSTANCES WHERE THE CONSPIRING INDIVIDUALS WERE CLEARLY ACTING ARBITRARILY UNDER COLOR OF STATE LAW FOR ULTERIOR MOTIVES, GIVING MOCKED GRAND JURY PROCEEDINGS, VIOLATING BRADY REQUIREMENTS PRODUCING STATEMENTS AND OR TESTIMONY THEY KNEW TO BE INADMISSIBLE, ILLEGALLY TRUE BILLING INDICTMENTS WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. THIS MAKES THE CASE UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION. THUS, THE SENTENCE AND CONVICTION MUST BE VACATED WHICH I MOVE FOR BEFORE THIS COURT, WILLIAMS v. UNITED STATES, CA5 (FLA.) 1950, 179 F2d. 656 CERT. GRANTED 71 S.Ct. 70, 340 U.S. 850, 95 L.Ed. 622 AFF'D 71 S.Ct. 341 U.S. 97, 95 L.Ed. 774; BROWN v. UNITED STATES, CA6 (TENN.) 1953, 204 F2d. 247; UNITED STATES v. RAMEY, CA4 (W.Va.) 1964, 336 F2d. 512 CERT. DENIED 85 S.Ct. 649, 779 U.S. 972, 13 L.Ed.2d. 564; UNITED STATES v. KOZMINSKI, (1988) 487 U.S. 931, 101 L.Ed.2d 788, 108 S.Ct. 2751, 46 C.C.H. EPD ¶ 38067 ON REMAND (1988 CA6 Mich.) 852 F2d. 1288; ELDERBERRY OF WEBER CITY, LLC. v. LIVING

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