

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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CASE DOCKET NO. 2023-001475

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APPEAL FROM LEXINGTON COUNTY  
THE COURT OF GENERAL SESSIONS

INDICTMENT NO.(S) 2022-GS-32-6146, 6147

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JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

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AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR  
LEAVE TO RELIEVE COUNSEL; MOTION FOR LEAVE TO FILE BRIEF  
TO ARGUE AGAINST THE PRECEDENT PURSUANT TO RULES OF  
APPELLATE PROCEDURE, RULE 217 AND OR IN THE ALTERNATE  
MOTION TO WITHDRAW AND MOTION TO MOTION THEREFOR

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

3-of-30

**RECEIVED**

**Feb 23 2026**

**SC Court of Appeals**

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

(1) A COPY OF THE LETTER THAT ATTORNEY MOLLY M. KEEGAN FORWARDED TO THE APPELLANT DATED FEBRUARY 12, 2026.

(2) A COPY OF THE "DROP AFFIDAVIT" THAT WAS FORWARDED TO THE APPELLANT BY THE ATTORNEY ON RECORD RECEIVED AT THE EVANS INSTITUTION ON FEBRUARY 18, 2026.

INSOMUCH THE APPELLANT OBJECTS TO THESE EGREGIOUS ACTS OF FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE THAT CONTINUALLY OCCUR BEFORE THIS COURT, THE S.C. APPELLATE DEFENSE ATTORNEY BEING COMPROMISED BY THE S.C. ATTORNEY GENERAL'S OFFICE TO CONCEAL MATERIAL FACTS AND PREVENT THE APPELLANT FROM ARGUING SUBSTANTIAL JURISDICTIONAL CLAIMS, AND ARGUE AGAINST THE PRECEDENT ESTABLISHED BY THE STATE v. GENTRY CASE THE ATTORNEY SO ELOQUENTLY MAKES REFERENCE TO IN THE LETTER CAPTIONED ABOVE. THE APPELLATE DEFENSE OFFICE IS UNCONSTITUTIONALLY, IN VIOLATION OF MY DUE PROCESS RIGHTS, OBSTRUCTING MY VOLUNTARY WITHDRAWAL FROM THIS APPEAL. IT IS PERSPICUOUS THAT THE AFFIDAVIT THAT SHE FORWARDED TO THE APPELLANT ESTABLISHES A FORM OF "CONTRACT". ALL CONTRACTS, NO MATTER WHAT FORM THEY COME IN, CAN BE MODIFIED BY A PARTY BEFORE THEY AGREE TO SIGN THEM. THE APPELLANT MADE CLEAR HIS POSITION BY THE MODIFICATION TO THE AFFIDAVIT. THE ATTORNEY, CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL THEN IGNORES MY MODIFICATION AND SEND THE ABOVE CORRESPONDENCE AND ADDITIONAL BLANK COPY REMOVING THE MODIFICATIONS THAT WERE PLACED WITHIN THE DOCUMENT. IT BECOMES MORE THAN PLAIN THAT WE HAVE A CONFLICT OF INTEREST WHERE BY SUCH ACTIONS THE APPOINTED ATTORNEY IS WORKING COVERTLY FOR THE STATE AND NOT THE APPELLANT. THE APPELLANT OBJECTS. DUE TO THIS MANIFEST INJUSTICE, THIS PLACES THE APPELLANT IN NO OTHER POSITION THAN TO MOTION FOR LEAVE TO RELIEVE THE STATE APPOINTED COUNSEL IN THE FORM OF ATTORNEY KEEGAN AND MOTION FOR LEAVE TO FILE BRIEF TO ARGUE AGAINST THE PRECEDENT ESTABLISHED BY THE STATE v. GENTRY CASE. IF THE COURT

FAILS TO GRANT THIS RELIEF, THE APPELLANT MOTION THAT THE COURT ACCEPTS THE APPELLANT'S REQUEST TO VOLUNTARILY WITHDRAW THIS APPEAL DUE TO THE STATE APPOINTED ATTORNEY BEING COMPROMISED BY THE S.C. ATTORNEY GENERAL'S OFFICE, CONSPIRING UNDER COLOR OF LAW IN ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE TO PREVENT THE APPELLANT'S SUBSTANTIAL JURISDICTIONAL ISSUES FROM BEING ARGUED BEFORE THIS COURT EXTREMELY PREJUDICING THE APPELLANT IN THIS COURT. QUESTION OF LAW: IS, OR IS NOT, THE APPELLANT PERMITTED TO ARGUE AGAINST AN ESTABLISHED LEGAL PRECEDENT BEFORE THE S.C. COURT OF APPEALS PURSUANT TO RULES OF APPELLATE COURT PROCEDURE, RULE 217?

SUPPRESSION OF TRUTH WITH THE INTENT TO DECEIVE IS FRAUD. FRAUDULENT CONCEALMENT WITHOUT ANY MISREPRESENTATION, OR DUTY TO DISCLOSE WOULD CONSTITUTE FRAUD, INCLUDING ACTS TO CONCEAL, CREATE FALSE IMPRESSION AND DECEIVE, U.S. v. COTTON, 231 F.3d. 890(4th.Cir.2000); 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). THE APPELLANT GIVES THE COURT AND PARTIES JUDICIAL NOTICE OF THE NEXT PAGES. THIS IS THE OPENING STATEMENT THAT IS FOUND WITHIN THE POST CONVICTION RELIEF APPLICATION THAT THE APPELLANT INTENDED TO FILE UPON THE WITHDRAWAL. IT READS IN RELEVANT PART:

INASMUCH, IT IS BEYOND DISPUTE THAT THE "SENTENCING SHEET(S)" ARE THE STATE'S EQUIVALENT TO A "COMMITMENT ORDER". THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. THIS PCR APPLICATION IS NOT MERELY FILED TO ATTACK THE INDICTMENT(S) AND OTHER CONSTITUTIONAL STRUCTURAL DUE PROCESS ERRORS THAT EXIST IN THIS CASE. THIS IS ALSO A COLLATERAL ATTACK UPON THE "SENTENCING SHEET(S)" WHICH ARE LEGALLY DESIGNATED AS "COMMITMENT ORDER(S)" FOR FRAUD UPON THE COURT AND CHALLENGE TO THAT COURT'S JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THIS WOULD AUTOMATICALLY ESTABLISH CHALLENGE TO THE JURISDICTION OF ANY SUBSEQUENT STATE COURT THAT HEARD APPEAL RELATED TO THESE MATTERS, SUCH AS UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS, WHERE THE PROSECUTOR COMPROMISED THE STATE APPOINTED COUNSEL TO PREVENT THE ARGUING AGAINST THE PRECEDENT WHICH WAS PERMITTED UNDER RULES OF APPELLATE PROCEDURE, RULE 217, WHETHER THE APPEAL WAS DIRECT OR COLLATERAL IN REVIEW, DUE TO ANY FINAL ORDER BEING ISSUED FROM THE CRIMINAL TRIAL COURT BEING A JURISDICTIONAL PREREQUISITE TO THE APPELLATE REVIEW THAT WAS CASE 2023-001474. THE STATE COMPROMISED THE APPOINTED COUNSEL TO PREVENT SUBSTANTIAL JURISDICTIONAL ISSUES FROM BEING REVIEWED BEFORE THAT COURT. THIS DEMONSTRATES THAT THE APPLICANT WOULD NOT BE PROCEDURALLY BARRED IN HAVING THE LEGAL ISSUE THAT WAS INITIALLY PRESENTED UNDER CASE 2023-001474 HEARD WITHIN THESE PCR PROCEEDING BASED UPON THE FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE UNDER THE INDEPENDENT ACTION RULE. IT WOULD BE AN ABUSE OF DISCRETION, OBSTRUCTION OF JUSTICE AND AN ACT OF FRAUD UPON THE COURT AND STATE TO DETERMINE THAT THE APPLICANT WOULD BE PROCEDURALLY BARRED FROM ARGUING THE ISSUE THAT WAS BEFORE THE COURT UNDER CASE 2023-001474 WHERE THE STATE APPOINTED ATTORNEY CONSPIRED UNDER COLOR OF STATE LAW WITH THE PROSECUTOR TO WAIVE SUBSTANTIAL JURISDICTIONAL CLAIMS AND ARGUE AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY 2005 AND STATE v. LANGFORD 2012 PURSUANT TO RULES OF APPELLATE COURT PROCEDURE, RULE 217 INVOLVING LEGAL ISSUES WHICH CANNOT BE WAIVED AND OR FORFEITED, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL ORDER OR JUDGMENT HAS BEEN ISSUED IN THE CASE(S) ARGUED, OR FOR THE FIRST TIME ON APPEAL, STEEL CO. v. CITIZENS FOR A BETTER

ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INS. COMPANY, 2020 WL 60932(S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879, \* 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, \* 1, W.D.Tex.; ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235 (U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168 (Fed.Cl.2020); HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400 \* 1 D.Md..

THE "SENTENCING SHEET(S)", AS "COMMITMENT ORDER(S)", ESTABLISH AN ORDER OR DECREE FROM THE GENERAL SESSIONS COURT TO COMMIT THE APPLICANT TO THE S.C. DEPT. OF CORRECTIONS PERTAINING TO THE APPLICANT'S CONVICTION WHICH IS A JURISDICTIONAL REQUISITE TO APPEAL ON DIRECT REVIEW. BOTH THE COMMITMENT ORDER(S) AND THE ACTIONS THAT OCCURRED UNDER CASE 2023-001474 ARE COMING UNDER FIRE HERE UNDER THE INDEPENDENT ACTION RULE DUE TO THE UNCONSTITUTIONAL ACTION THAT SHALL BE ADDRESSED WITHIN THIS DOCUMENT, ALSO DUE TO CIRCUMVENTING, OBSTRUCTING AND OR FAILURE TO HEAR SUBSTANTIAL JURISDICTIONAL ISSUES VIOLATING DUE PROCESS, WHICH CANNOT BE WAIVED AND OR FORFEITED BY THE APPLICANT WHICH THE HIRED AND OR STATE APPOINTED COUNSEL AT BOTH THE TRIAL LEVEL AND APPELLATE LEVEL CONSPIRED UNDER COLOR OF STATE LAW WITH THE PROSECUTOR AND OR STATE TO CONCEAL AND OR SUPPRESS, VIOLATING THE APPLICANT'S CONSTITUTIONAL RIGHT OF AUTONOMY IN THEIR EFFORTS TO PREVENT THESE ISSUES FROM BEING HEARD WHICH VIOLATE U.S. SUPREME COURT HOLDINGS UNDER McCOY v. LOUISIANA,--S.Ct.--, 2018 WL 2186174 (U.S.2018). IN SOUTH CAROLINA A TRIAL ATTORNEY, A POST CONVICTION RELIEF ATTORNEY AND APPEAL ATTORNEY IS LEGALLY AND ETHICALLY PROHIBITED FROM CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL'S OFFICE TO WAIVE LEGITIMATE JURISDICTIONAL CLAIMS. ENGAGING IN SUCH CONDUCT CONSTITUTES PROFESSIONAL MISCONDUCT AND WOULD ALSO BE CLASSIFIED AS FRAUD UPON THE COURT. UNDER SOUTH CAROLINA RULE OF PROFESSIONAL CONDUCT, RULE 8.4, IT IS MISCONDUCT FOR A LAWYER TO ENGAGE IN DISHONESTY, FRAUD, DECEIT, OR MISREPRESENTATION, OR TO ENGAGE IN CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE. UNDER THE CONCEPT OF CANDOR TO A TRIBUNAL. RULE 3.3 REQUIRES ATTORNEYS TO

BE TRUTHFUL WITH THE COURT AND CORRECT ANY FALSE STATEMENTS OF MATERIAL LAW OR FACT AS IT RELATES TO THE LEGAL ISSUES PRESENTED WITHIN THIS CASE. THE POWER TO WAIVE LEGAL PROTECTIONS GENERALLY BELONG TO THE CLIENT, NOT THE ATTORNEY. A TRIAL OR PCR OR APPELLATE DEFENSE ATTORNEY WHO UNILATERALLY WAIVES A CLIENT'S LEGITIMATE JURISDICTIONAL CLAIMS WITHOUT AUTHORIZATION OR THROUGH DECEPTIVE MEANS VIOLATES THEIR FIDUCIARY DUTY. AS IT RELATES TO "COLOR OF STATE LAW" AND CONSPIRACY, SECTION 1983 LIABILITY, INDIVIDUALS ACTING "UNDER COLOR OF STATE LAW" CAN BE SUED FOR DEPRIVING OTHERS OF CONSTITUTIONAL DUE PROCESS RIGHTS. WHILE PRIVATE ATTORNEYS OR STATE APPOINTED ATTORNEYS TYPICALLY DO NOT ACT UNDER COLOR OF STATE LAW, THE U.S. SUPREME COURT HELD UNDER TOWER v. GLOVER, 467 U.S. 914, 104 S.Ct. 2820, 1 L.Ed.2d. 758(U.S.1984) THAT THEY CAN BE HELD LIABLE UNDER SECTION 1983 IF THEY CONSPIRE WITH THE STATE OFFICIALS TO DEPRIVE THEIR CLIENTS OF CONSTITUTIONAL RIGHTS. ALSO SEE HORTON v. VINSON, 2015 WL 4774276(N.D.Va.2015); YOUNG v. POSEY, 2017 WL 4021083, \* 1+ (DSC.2017). IT BECOMES A MISUSE OF THE RULE TO CLAIM THAT NO HYBRID DEFENSE EXIST WHEN UTILIZED AS A LEGAL JUSTIFICATION FOR THE ATTORNEY TO SECRETLY CONSPIRE WITH THE STATE AND PROSECUTOR TO WAIVE A CLIENT'S JURISDICTIONAL CLAIMS AND COMMIT FRAUD UPON THE COURT. SINCE THE APPEAL UNDER CASE 2023-001474 WAS TAINTED BY FRAUD AND OBSTRUCTION, AND IF THE SAME OCCURS UNDER THIS CURRENT PCR APPLICATION. THE APPLICANT WOULD BE ENTITLED TO ADDRESSING IT WITHIN THIS PCR, PURSUANT TO THE ISSUES THAT OCCURRED IN THE COURT OF APPEALS, AND WOULD BE ENTITLED TO SUCCESSIVE PCR IN THIS CURRENT CASE.

RECENT SOUTH CAROLINA SUPREME COURT AND APPELLATE DECISIONS REINFORCE THAT WHILE HYBRID REPRESENTATION IS GENERALLY NOT PERMITTED, ATTORNEYS REMAIN BOUND BY STRICT ETHICAL DUTIES, AND THE COURT WILL INTERVENE IN CASES OF FRAUD, STRUCTURAL DEFICIENCIES, OR THE WAIVER OF FUNDAMENTAL RIGHTS. IN THE CASE OF STATE v. SWEET, 446 S.C. 356, 919 S.E.2d. 909 (S.C.App.2025), THE HIGHER COURT CONFIRMED THAT WHILE GUILTY PLEAS WAIVE MOST DEFECTS SUBJECT MATTER JURISDICTION CANNOT BE WAIVED AND REMAINS A VALID GROUND FOR LEGAL CHALLENGE. IN THE CASE OF IN THE MATTER OF LOUIS S. MOORE, 446 S.C. 115, 919 S.E.2d. 391 (S.C.App.2025), THE

HIGHER COURT IN ITS DISCIPLINARY ORDER OUTLINES THE DISBARMENT OF AN ATTORNEY FOR CONDUCT THAT INCLUDED VIOLATING RULES OF PROFESSIONAL CONDUCT AND FAILING TO UPHOLD THE INTEGRITY OF THE LEGAL PROFESSION. IN THE CASE OF LINDSEY v. STATE, 2025 WL 3085693 (S.C.App.2025) THE HIGHER COURT HIGHLIGHTED THE COURT'S SCRUTINY IN PCR OF THE LEGAL SUFFICIENCY OF EVIDENCE WHICH IS RELEVANT IN THIS CASE ADDRESSING THE SUFFICIENCY OF THE EVIDENCE FOR THE MURDER ALSO BASED UPON STATEMENTS ENTERED IN VIOLATION OF THE APPLICABLE STATUTES AND OTHER CLAIMS MADE IN THIS CASE, OR THE SUFFICIENCY OF ESTABLISHING THAT THERE ARE INDEED TWO ELEMENTS TO SUBJECT MATTER JURISDICTION IN SUPPORT OF THE APPLICANT'S CLAIMS MADE. IN THE CASE OF CARRIER v. STATE, 441 S.C. 547, 895 S.E.2d. 679 (S.C.App.2023), THE COURT ADDRESSED THE STATE'S MANIPULATION OF THE GRAND JURY PROCESS WHICH SUPPORT ONE OF THE LEGAL ISSUES INTENDED ARGUED WITHIN THESE PCR PROCEEDINGS, AND THE INEFFECTIVE ASSISTANCE OF COUNSEL REGARDING JURISDICTIONAL INDICTMENT DEFECTS. IN THE CASE OF UNITED STATES v. PITTMAN, 125 F.4TH. 527 (4th.Cir.2025), THE COURT DETERMINED THAT A DEFENDANT WHO WISHES TO PRESERVE AN ARGUMENT THAT A STATUTE IS VAGUE, OR SUBTLE EXPANSION OR FORCED CONSTRUCTION OCCURRED, OR THE STATUTE OR INTERPRETATION OF LAW IS VAGUE AND THEREBY UNCONSTITUTIONAL HE MUST BE PERMITTED TO MAKE THE ARGUMENT BY THE PLEADING OR ESTABLISH GOOD CAUSE FOR NOT HAVING DONE SO. THIS ESTABLISHES THAT IT WAS HIGHLY INAPPROPRIATE AND AN ACT OF FRAUD UPON THE COURT FOR THE STATE APPOINTED ATTORNEY AT THE TRIAL LEVEL OR THE APPELLATE LEVEL TO CONSPIRE UNDER COLOR OF STATE LAW TO WAIVE AND FAIL TO PRESENT THE APPLICANT'S LEGITIMATE JURISDICTIONAL ISSUES AS THEY ARE NOW PRESENTED BEFORE THIS COURT.

IN REFERRING BACK TO THE STATE v. GENTRY CASE OF 2005 AND THE STATE v. LANGFORD CASE OF 2012, UNDER SOUTH CAROLINA LAW RES JUDICATA DOES NOT ATTACH TO A JUDGMENT PROCURED BY EXTRINSIC FRAUD. BECAUSE EXTRINSIC FRAUD IS CONSIDERED A "FRAUD UPON THE COURT", IT UNDERMINES THE VERY FOUNDATION OF THE LEGAL PROCEEDING, LEADING TO A CONCLUSION THAT THERE WAS NEVER A "REAL CONTEST" BETWEEN THE PARTIES WHERE THE GENTRY COURT PURPOSELY

CONCEALED THE JURISDICTIONAL FACT THAT THERE WAS A SECOND ELEMENT TO SUBJECT MATTER JURISDICTION, THE CONSTITUTIONAL ELEMENT, AND THAT THE INDICTMENT DEFECTS SHOULD HAVE BEEN ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT FOR DUE PROCESS VIOLATION THAT PRODUCED UNCONSTITUTIONAL ACTION VOIDING THEM. THE DOCTRINE OF FINALITY-WHICH RES JUDICATA IS DESIGNED TO PROTECT-IS SUSPENDED IN FAVOR OF JUSTICE. IN SOUTH CAROLINA EXTRINSIC FRAUD IS DEFINED AS FRAUDULENT CONDUCT THAT INDUCES A PERSON NOT TO PRESENT THEIR CASE IN COURT OR DEPRIVE THEM OF THE OPPORTUNITY TO BE HEARD AS HAS OCCURRED WITHIN AND BY THE GENTRY CASE CONCEALING THE FACT THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, PURPOSELY AVOIDING CASES LIKE STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83., 118 S.Ct. 1003(U.S.1998), WHICH PREVENTED THE INMATES OF THIS STATE FROM FULLY PRESENTING THEIR CLAIM ESSENTIALLY ENSURING THAT THERE WAS NEVER A "REAL CONTEST" BEFORE THE COURT. IT WAS A DELIBERATE AND CAREFULLY CALCULATED SCHEME AND PLOT TO DEFRAUD BY AVOIDING CLEARLY ESTABLISHED JUDICIAL DECISION THAT CURRENTLY HAS NOT BEEN OVERRULED BY ANY COURT UNTIL THIS VERY DAY ILLUSTRATING THAT RES JUDICATA DOES NOT ATTACH TO THIS ISSUE BY THE CONCEALMENT AND SUPPRESSION OF TRUTH, FRAUD, THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, NOT ONE AS THE GENTRY COURT DECEPTIVELY LED THE PARTIES TO BELIEVE, MR. T v. MRS. T., 378 S.C. 127; HILTON HEAD CENTER OF SOUTH CAROLINA INC. v. PUBLIC SERVICE COM'N OF SOUTH CAROLINA, 294 S.C. 9; B.R. v. F.C.S.B., 710 F.Supp.3d. 528(4th.Cir.2024)(FRAUD UPON THE COURT IS NOT YOUR GARDEN VARIETY FRAUD, AS IT ORDINARILY INVOLVES CORRUPTION OF THE JUDICIAL PROCESS ITSELF); FOX EX REL FOX v. ELK RUN COAL CO., 739 F.3d. 131 (4th.Cir.2014).

SUCH UNCONSTITUTIONAL ACTION AND FRAUD UPON THE COURT(S) INVOLVED WHERE THE COURT(S) WERE PRIVY TO THESE INJUSTICES, RENDERS THE COMMITMENT ORDER(S) AT THE TRIAL LEVEL, AND ANY JUDGMENT THAT OCCURS UNDER CASE 2023-001474 WITHIN THE S.C. COURT OF APPEALS, VOID FOR UNCONSTITUTIONAL ACTION AS IS TO BE ARGUED WITHIN THIS PCR APPLICATION. THUS, DUE TO THESE JURISDICTIONAL CHALLENGES AND FRAUD UPON THE COURT ARGUED WITHIN THIS DOCUMENT.

ANY CLAIM OF STATUTE OF LIMITATIONS, UNJUST ASSERTED WAIVER, OR CLAIM THAT ANOTHER ACTION IS PENDING IN THE S.C. COURT OF APPEALS, WHERE THAT COURT IN ADDITIONAL ACTS OF FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE IS DELAYING RULING ON THE APPLICANT'S VOLUNTARY WITHDRAW DUE TO THE ATTORNEY UNLAWFULLY WORKING WITH THE STATE TO WAIVE SUBSTANTIAL JURISDICTIONAL CLAIMS; WOULD NOT PREVENT REVIEW UNDER THIS PRESENTLY SUBMITTED PCR APPLICATION DUE TO SUCH CLAIMS BEING PROCEDURAL LIMITATIONS FOR WHICH A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF SUCH PROCEDURAL LIMITATIONS WHICH THE AFOREMENTIONED ARE. FRAUD VITIATES EVERYTHING THAT IT ENTERS AND A JUDGMENT PROCURED BY FRAUD MAY BE COLLATERALLY ATTACKED FOR THAT FRAUD UPON THE COURT. THIS APPLIES TO ALL ACTS, ORDERS, JUDGMENTS OR DECREES OF ALL COURTS ON RECORD, WHICH THE SENTENCING SHEET(S), AS "COMMITMENT ORDER(S)" ALSO REPRESENT. ALSO SEE CITINGS OF LAW LISTED WITHIN THIS DOCUMENT. ALSO SEE MYLES v. DOMINOS PIZZA, LLC., 2017 WL 238436(D.C.Miss.2017); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014).

INASMUCH, THIS PCR APPLICATION IS FILED UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT(S) INVOLVED WHERE THE JUDGES WERE PRIVY TO ALL THAT OCCURRED CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL AND OR SOLICITOR'S OFFICE, TO DEPRIVE THE APPLICANT OF CONSTITUTIONAL PROTECTIONS. DUE TO ATTACKING THE "SENTENCING SHEET(S)", WHICH ARE THE LEGAL DESIGNATED "COMMITMENT ORDER(S)", AND THE UNCONSTITUTIONAL ACTION DONE MY THE COMPROMISED S.C. INDIGENT DEFENSE OFFICE CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL'S OFFICE TO WAIVE LEGITIMATE JURISDICTIONAL CLAIMS THAT ESTABLISH JURISDICTIONAL CHALLENGE TO THE COURTS INVOLVED, TO INCLUDE ALL OTHER DUE PROCESS VIOLATIONS ARGUED WITHIN THIS PCR APPLICATION, WHICH ARE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THEREFORE, THE STATE OF SOUTH CAROLINA, OR THE LEXINGTON COUNTY COURT OF COMMON PLEAS, AND OR THE LEXINGTON COUNTY SOLICITOR'S OFFICE, CANNOT FAIRLY OR LEGALLY ASSERT THAT THE APPLICANT IS

"TIME BARRED", OR THAT THE APPLICANT STILL HAS AN APPEAL PENDING WITHIN THE S.C. COURT OF APPEALS DUE TO THE UNCONSTITUTIONAL ACTION ARGUED THAT VOIDS THOSE JURISDICTIONS FOR WHICH IS THIS PCR APPLICATION'S AIM. IT IS THE APPLICANT'S CLAIM THAT IT WAS AN ACT OF FRAUD UPON THE COURT TO SIGN THE COMMITMENT ORDER(S), OR FOR THE APPLICANT TO BE FORCED TO WITHDRAW HIS APPEAL UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS, DUE TO THE ATTORNEY'S FAILURE TO RAISE THE JURISDICTIONAL CLAIMS, ABUSING THEIR DISCRETION WHEN THESE JURISDICTIONAL CHALLENGES EXISTED WHICH CANNOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, EVEN FOR THE FIRST TIME ON APPEAL, WHERE THE COURT(S) AND PROSECUTOR KNEW GOOD AND WELL, CONSPIRING UNDER COLOR OF STATE LAW, THAT THESE SUBSTANTIAL DUE PROCESS VIOLATIONS AND CONSTITUTIONAL STRUCTURAL ERRORS NOT SUBJECT TO HARMLESS ERROR DOCTRINE EXISTED WITHIN THIS CASE, 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 CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020).

THEREFORE, THE GENERAL SESSIONS COURT SIGNING ANY RELEVANT "COMMITMENT ORDER(S)", OR THE UNCONSTITUTIONAL ACTION THAT OCCURRED WITHIN THE S.C. COURT OF APPEAL UNDER CASE 2023-001474, IS VOID UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION, AS WELL AS THE APPLICANT'S CONVICTION ATTACHED TO THEM BEING A NULLITY AND IS AS IF THERE WERE NO "COMMITMENT ORDER(S)", OR CONVICTION ATTACHED THERETO MADE OR DONE AT ALL. IT IS WELL SETTLED IN LAW ALSO UNDER THE INDEPENDENT ACTION RULE, THAT A COLLATERAL ATTACK FOR FRAUD UPON THE COURT IS FREE OF ALL PROCEDURAL LIMITATIONS SUCH AS ANY CLAIM THAT THERE IS A STATUTE OF LIMITATIONS BAR, OR THAT THE APPLICANT MAY HAVE ANOTHER ACTION PENDING IN THE S.C. COURT OF APPEALS DUE, TO THEY IN ADDITIONAL ACTS OF FRAUD UPON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE DELAYING RULING ON THE

WITHDRAWAL, DUE TO THE FRAUD UPON THE COURT AND JURISDICTIONAL CLAIMS THAT ARE PRESENTED WITHIN THIS CURRENT PCR APPLICATION, WHERE ALL THE AFOREMENTIONED ARE FORMS OF PROCEDURAL LIMITATIONS, IN RE: GENESYS DATA TECHNOLOGIES INC., 204 F.3d. 124 (4th.Cir.2000); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599 (U.S.2016); UNITED STATES v. LIBOUS, 858 F.3d. 64 (2nd.Cir.2017. ALSO SEE EXHIBIT(S) "COMMITMENT ORDER(S) ATTACK" AND "CASE HISTORY".

SUBJECT MATTER JURISDICTION IS THE POWER TO DECLARE LAW, WHETHER IT BE UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION OR THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION. THEREFORE, IT CANNOT BE WAIVED AND OR FORFEITED. THUS, WHEN IT CEASE TO EXIST. THE ONLY THING LEFT FOR THE COURT TO DO IS ANNOUNCE THIS FACT AND DISMISS THE CAUSE OF CONVICTION AGAINST THE APPLICANT WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN WHEN A FINAL JUDGMENT HAS BEEN ENTERED INTO THE CASE, EVEN FOR THE FIRST TIME ON APPEAL, ESPECIALLY IN LIGHT OF THE FACT THAT WE HAVE FRAUD UPON THE COURT ATTACHED TO THE JURISDICTIONAL CLAIMS MADE. AGAIN, THE APPLICANT IS ARGUING HIS ISSUES UNDER THE DUE PROCESS/ CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, NOT THE STATUTORY (LEGISLATIVE) ELEMENT THAT THE STATE COURTS IN THE PAST IN AN ABUSE OF DISCRETION AND FRAUD UPON THE COURT ADJUDICATED SUCH ISSUES UNDER, SEBELIUS v. AUBURN REGIONAL MEDICAL CENTER, 133 S.Ct. 817, 184 L.Ed.2d. 627, 81 U.S.L.W. 4053 (U.S.2013); SIZWARD v. RIDDLE, F.Supp.2d., 2013 WL 707018 (DSC.2013); GRUPO DALAFLUX v. ATLAS GLOBAL L.P., 541 U.S. 567, 124 S.Ct. 192, 158 L.Ed.2d. 866(U.S.2004); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F.3d. 624 (4th.Cir.2016); SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY SUPRA.; NATIONSTAR MORTG., LLC. v. MEISNER, S.E.2d., 2016 WL 1700516 (S.C.App.2016); OOO-RM. INVEST v. NET ELEMENT INTERNATIONAL, INC. SUPRA.; KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362 (S.C.App.2019); FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020). BY THE ISSUES ARGUED EQUITABLE TOLLING ATTACHES DUE TO THE STATE PROSECUTOR AND THE S.C. SUPREME COURT'S

INVOLVEMENT IN THE FRAUD CONCEALING THE FACT THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION AND FATAL INDICTMENT DEFECTS WERE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION, WHICH GRAVELY EFFECTED THE TRIAL PROCESS SUBJECTING THE APPLICANT TO EXTREME PREJUDICE.

FOR THE RECORD, THE APPLICANT GIVES THE COURT AND ALL PARTIES JUDICIAL NOTICE. TO PREVENT THE STATE AND OR S.C. ATTORNEY GENERAL'S OFFICE AND ITS ALCOLYTES FROM MAKING A TOTALLY MERITLESS STATEMENT OR ASSERTION. IT DOES NOT MATTER WHERE THE APPLICANT GOT THE LEGAL ISSUES FOR WHICH HE SEEKS RELIEF FROM. THEY COULD HAVE CAME FROM "FREDDIE CRUEGER", "BARACK OBAMA", "IRON MAN", "ABRAHAM LINCOLN", "THE LAW LIBRARY CLERK LAWRENCE CRAWFORD", "SPIDERMAN", OR "THE INCREDIBLE HULK". IT DOESN'T MATTER WHOM THE APPLICANT WORKED CONJUNCTIVELY WITH TO PRODUCE THESE LEGAL ISSUES. ONCE THE APPLICANT "PERSONALLY" ENGAGES IN RESEARCH WHETHER IT BE ALONE OR WITH OTHER PARTIES, AND THE APPLICANT "PERSONALLY" DETERMINED THAT THE LEGAL ISSUES IMPACT HIS CONVICTION DIRECTLY, AND THEN "PERSONALLY" DECIDES TO PLACE THE LEGAL ISSUES FORTH IN THIS PCR? BY THE APPLICANT'S CONSTITUTIONAL DUE PROCESS RIGHT OF AUTONOMY, THE APPLICANT CANNOT BE PROCEDURALLY BARRED IN DOING SO. THE RIGHT TO DEFEND IS PERSONAL, AND THE DEFENDANT'S CHOICE IN EXERCISING THAT RIGHT MUST BE HONORED OUT OF RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF LAW. THE APPLICANT IS "MASTER" TO DECIDE WHAT LAW HE WILL RELY UPON, PEOPLE v. FLORES, 34 Cal. App. 5TH. 270, 246 Cal. Rptr.3d. 77 (Cal.2019); COLE v. STATE, 590 S.W.3d. 1, 3, Tex. App. BEAUMONT (Tex.2019); THE FAIR v. KHOLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410(U.S.1913); LANCASTER v. KAISER FOUNDATION..., 958 F.Supp. 1137 (E.D.Va.1997); POWERS v. SOUTH CENTRAL UNITED FOODS & COMMERCIAL WORKERS,..., 719 F.2d. 760(5th.Cir.1983).

9 A VIOLATION OF AUTONOMY IS COMPLETE WHEN THE COURT ALLOWS COUNSEL OR THE COURT ITSELF, TO USURP CONTROL OF AN ISSUE WITHIN THE APPLICANT'S SOLE PREROGATIVE, SUCH AS WHAT LEGAL ISSUES HE INTENDS TO BRING BEFORE THIS COURT, WHEN PRESENT, SUCH AN ERROR

IS NOT SUBJECT TO HARMLESS ERROR REVIEW, McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821, 86 U.S.L.W. 4271 (U.S.2018); MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); WILLIAMS v. UNITED STATES, 2018 WL 4656231 (D.Conn.2018); UNITED STATES v. COBBLE, 2018 WL 4283063 (M.D.Ga.2018).

THE APPLICANT WOULD BE ENTITLED TO EQUITABLE TOLLING UNDER THESE CIRCUMSTANCES WHERE THE APPLICANT WAS PREVENTED FROM ADDRESSING HIS FATAL INDICTMENT ISSUE AT THE TRIAL LEVEL BY THE STATE v. GENTRY FRAUD AND BY THE STATE APPOINTED ATTORNEY UNDER CASE 2023-001474 CONSPIRING UNDER COLOR OF STATE LAW WITH THE ATTORNEY GENERAL'S OFFICE TO WAIVE SUBSTANTIAL JURISDICTIONAL CHALLENGES AND THE DEPRIVATION WAS NOT BASED UPON LEGAL STRATEGY, BUT BEING COMPROMISED BY THE S.C. ATTORNEY GENERAL'S OFFICE PRODUCING EXTRAORDINARY CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL AND THE APPLICANT IS EXERCISING REASONABLE DUE DILIGENCE IN SEEKING TO HAVE THE INJUSTICE REMEDIED. THE FRAUD UPON THE COURT ARGUED AND THE S.C. ATTORNEY GENERAL'S OFFICE AND ITS ACOLYTES COMPROMISING THE APPLICANT'S ATTORNEYS CONSTITUTE EXTRAORDINARY CIRCUMSTANCES FOR THE PURPOSE OF EQUITABLE TOLLING BY PREVENTING THE JURISDICTIONAL CLAIMS FROM BEING ARGUED BEFORE THE S.C. COURT OF APPEALS AND PREVENTING SUCH AT THE TRIAL LEVEL BASED UPON THE FRAUD THAT OCCURRED WITHIN THE STATE v. GENTRY CASE REGARDING SUBJECT MATTER JURISDICTION, CONCEALING THE FACT THAT THERE WAS A SECOND ELEMENT TO SUBJECT MATTER JURISDICTION, THE CONSTITUTIONAL ELEMENT, AND THAT INDICTMENT DEFECTS WERE TO BE ADJUDICATED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION. THE FRAUDULENT CONDUCT UNDERMINES THE INTEGRITY OF THE JUDICIAL PROCESS IS A SERIOUS ETHICAL VIOLATION THAT SUBVERTS THE FAIR ADMINISTRATION OF JUSTICE. THIS TYPE OF DECEIT DIRECTLY CORRUPTS THE COURT'S ABILITY TO FUNCTION IMPARTIALLY AND FAIRLY, AND IS TREATED VERY SERIOUSLY WHERE THEY CHANGED LAW THAT HAS BEEN ESTABLISHED FOR OVER 200 YEARS. THEIR ACTIONS PREVENTED THE APPLICANT FROM DISCOVERING FACTS NECESSARY TO THE APPLICANT'S RIGHT TO ARGUE AGAINST THE UNCONSTITUTIONALLY VAGUE PRECEDENT UNDER RULE 217 AND TO THE FILING OF POST CONVICTION RELIEF. WITHOUT THE

JURISDICTIONAL CHALLENGES BEING PERMITTED TO BE BROUGHT AS DUE PROCESS LAW REQUIRED AND PERMITTED PRODUCING EXTREME PREJUDICE TO THE APPLICANT'S PROCEEDING. THE ACTION AND INJUSTICE DIRECTLY IMPACT THE VALIDITY AND FAIRNESS OF THE CONVICTION, WHICH WAS THE VERY THING THE ISSUES WERE SOUGHT TO ADDRESS. THE U.S. SUPREME COURT'S DECISION IN HOLLAND v. FLORIDA, 560 U.S. 631 (U.S.2010), IS A KEY CASE SUPPORTING THE APPLICATION OF EQUITABLE TOLLING FOR ATTORNEY MISCONDUCT AND JUDGES CONSPIRING WITH THEM WHERE THEY WORKED TO PREVENT THE FACT THAT THERE WERE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION AND A CRIMINAL COURT'S JURISDICTION IS NOT ABSOLUTE WHERE THERE ARE CLEAR AND EGREGIOUS UNCONSTITUTIONAL STRUCTURAL ERRORS THAT WOULD VOID THAT COURT'S JURISDICTION, IS FAR MORE EGREGIOUS THAN THE ATTORNEY NEGLIGENCE IN HOLLAND AND WOULD BE CONSIDERED EXTRAORDINARY CIRCUMSTANCES THAT PREVENTED THE APPLICANT FROM DISCOVERING THE FULL EXTENT OF THE FRAUD IN PURSUING HIS CONSTITUTIONAL DUE PROCESS RIGHTS, THEREBY WARRANTING EQUITABLE TOLLING. IN THE CASE OF PELZER v. STATE, 378 S.C. 516, 662 S.E.2d. 618(S.C.App.2008), PROVIDES SUPPORT FOR THE PRINCIPLE OF EQUITABLE TOLLING TO PREVENT UNFAIRNESS HOLDING THAT EQUITABLE TOLLING IS NECESSARY TO PREVENT UNFAIRNESS WHERE A DILIGENT PLAINTIFF FILED A DEFECTIVE PLEADING DURING A STATUTORY PERIOD. THE UNDERLYING PRINCIPLE IS DIRECTLY RELEVANT. IF THE SOUTH CAROLINA COURT IS WILLING TO TOLL A DEADLINE TO PREVENT UNFAIRNESS IN A CASE INVOLVING A DEFECTIVE FILING BY A DILIGENT PETITIONER, IT WOULD LOGICALLY APPLY EQUITABLE TOLLING IN A MUCH MORE EGREGIOUS SCENARIO INVOLVING FRAUD UPON THE COURT INVOLVING THE GENTRY COURT AND BY THE PROSECUTOR COMPROMISING THE APPLICANT'S LEGAL COUNSEL AT BOTH THE TRIAL AND APPELLATE LEVEL TO PREVENT SUBSTANTIAL JURISDICTIONAL ISSUES FROM BEING JUSTLY AND FAIRLY HEARD. ATTORNEY AND JUDICIAL MISCONDUCT ORCHESTRATED BY THE STATE IS CLEAR CAUSE FOR EQUITABLE TOLLING, HOLLAND v. FLORIDA SUPRA,; HARRIS v. HUTCHENSON, 209 F.3d. 325 (4th.Cir.2000); ROUSE v. LEE, 339 F.3d. 238 (4th.Cir.2003); PACE v. DiGUGLIELMO, 125 S.Ct. 1807 (U.S.2005); WILLIAMS v. GARLAND, 59 F.4TH. 620 (4th.Cir.2023); UNITED STATES v. BUCHANAN, 638 F.3d. 448(4th.Cir.2011).

S.C. CODE ANN. § 17-19-20 PROVIDE THAT EVERY INDICTMENT "MUST" (EMPHASIS ADDED) BE DEEMED GOOD. THE INDICTMENT IS NOT GOOD BY THE PLAIN LANGUAGE RULE OF THE STATUTE THEREBY THE GENTRY RULING ALLOWS THE COURTS TO SUBTLY EXPAND AND FORCE CONSTRUCT BOTH S.C. CODE ANN. §§ 17-19-10 AND 17-19-20 IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE FURTHER ILLUSTRATING THE INJUSTICE THAT HAS OCCURRED BY THE GENTRY RULING. WHEN IT COMES TO THE S.C. SUPREME COURT HOLDING THOSE CASES, SOME FOR ALMOST (7) YEARS TO ALLOW THE TO GO ON A NATIONWIDE "FISHING EXPEDITION" TO FIND UNCONSTITUTIONALLY VAGUE AND OR SILENT CASE LAW THAT ONLY ADDRESSED THE ISSUE OF SUBJECT MATTER JURISDICTION UNDER THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION, TO CONCEAL THE FACT THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, NOT ONE, AND UNCONSTITUTIONAL ACTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION ALSO VOIDS JURISDICTION. IN SOUTH CAROLINA WHEN A COURT KNOWINGLY IGNORES WELL ESTABLISHED U.S. SUPREME COURT HOLDINGS LIKE STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998) AND OTHER SIMILAR HOLDINGS, CIRCUMVENTING, FAILING TO ADDRESS THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, IT WOULD CONSTITUTE FRAUD UPON THE COURT BECAUSE IT DEFILES THE JUDICIAL MACHINERY ITSELF. IT OCCURS WHEN A COURT'S IMPARTIAL FUNCTIONS ARE DIRECTLY CORRUPTED, OFTEN BY AN OFFICER OF THE COURT (SUCH AS A JUDGE OR ATTORNEY). PURPOSELY CIRCUMVENTING THE HIGHEST COURT'S HOLDINGS TO REACH A DESIRED OUTCOME--ESPECIALLY CONCERNING SUBJECT MATTER JURISDICTION--INTERFERES WITH THE COURT'S ABILITY TO "PERFORM IT'S NORMAL FUNCTION IN THE USUAL MANNER ITS IMPARTIAL TASKS. IT INVOLVES DECEIT, LIES AND FALSE INFORMATION MAKING THE JUDGMENT VOID AB INITIO, AS THE COURT LACKED THE AUTHORITY TO ACT IN THE FIRST PLACE. WHEN A JUDGMENT IS VAGUE OR SILENT ON A SUBSTANTIAL CLAIM, IF THAT JUDGMENT IS SILENT (ie WHETHER FATAL INDICTMENT DEFECTS WOULD VOID JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT FOR DUE PROCESS VIOLATION), IT MAY NOT BE CONSIDERED A "FINAL JUDGMENT, ESPECIALLY IN THIS CASE WHEN WE HAVE FRAUD UPON THE COURT, THE COURT PURPOSELY FAILING TO ADDRESS WHETHER SUBSTANTIAL DUE PROCESS VIOLATION RISES TO THE LEVEL OF BEING UNCONSTITUTIONAL WHICH WOULD VOID OR MAKE VOIDABLE

JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, ESTATE OF CUNNINGHAM v. MAYOR AND CITY COUNCIL OF BALTIMORE, 128 F.4TH. 238(4th.Cir.2025)(COURT DISMISSED THE APPEAL BECAUSE THE DISTRICT COURT OVERLOOKED AND FAILED TO RESOLVE CLAIMS ON TWO ISSUE. BECAUSE THE JUDGMENT WAS SILENT ON THE CLAIM, IT WAS NOT FINAL, APPEALABLE ORDER); ESCOBAR-SALMERON v. MOYER, 150 F.4TH. 360(4th.Cir.2025)(SILENCE ON A CLAIM PREVENTS FINALITY. THE COURTS MUST OBJECTIVELY RESOLVE ALL SUBSTANTIVE CLAIMS BEFORE A JUDGMENT IS FINAL); LOWY v. DANIEL DEFENSE, LLC., --F.4TH.--, 2026 WL 376731 (4th.Cir.2026)(WITHOUT EXPRESSED LANGUAGE SILENCE EQUAL NON FINALITY ALL CLAIMS MUST BE ADDRESSED); ALI v. HOGAN, 26 F.4TH. 587(4th.Cir.2022)(THIS CASE REINFORCES THAT THE COURT'S FAILURE TO PROPERLY ACCOUNT FOR CONSTITUTIONAL STANDING [A COMPONENT OF SUBJECT MATTER JURISDICTION] IS A FUNDAMENTAL ERROR. A KNOWING FAILURE TO DO SO BY A JUDGE WOULD ALIGN WITH THE DEFINITION OF CORRUPTING THE JUDICIAL MACHINERY); MONACO v. WV PARKWAYS AUTHORITY, 57 F.4TH. 185(4th.Cir.2023)(IN THIS CASE, THE 4TH. CIRCUIT ADDRESSED HOW SUBJECT MATTER JURISDICTION CAN BE "FORECLOSED" BY CONSTITUTIONAL IMMUNITIES THAT THE LOWER COURT MIGHT IMPROPERLY OVERLOOKED AND WOULD NOT BE ABLE TO EXERCISE JURISDICTION REGARDLESS OF THE MERITS OF THE CASE. IGNORING SUPREME COURT HOLDING THAT DEFINE BARRIERS WOULD CONSTITUTE "EXCESS OF JURISDICTION"); BIXBY v. STIRLING, 90 F.4TH. 140(4th.Cir.2024)(HIGHLIGHTING EXCESS OF JURISDICTION TO ADDRESS MERITS DUE TO FILING CONSTITUTING SECOND HABEAS CORPUS); FRAZIER v. PRINCE COUNTY MARYLAND, 140 F.4TH. 566(4th.Cir.2025)(A COURT THAT LACKS JURISDICTION HAS NO AUTHORITY TO RULE ON THE MERITS); STATE v. PRICE, 441 S.C. 423, 895 S.E.2d 633(S.C.App.2023)(THE PLAIN LANGUAGE OF A STATUTE MUST BE ADHERED TO.). IF A DUE PROCESS ERROR IS SO FUNDAMENTAL IT REMOVES A CASE FROM THE "GENERAL CLASS" PROHIBITING THE COURT FROM HEARING IT. WHETHER YOU WANT TO USE THE PHRASE "VOID" OR "VOIDABLE" OR "ERRONEOUS" THE RESULT IS THE SAME REQUIRING REVERSAL AND OR VACATING OF JUDGMENT. THE GENTRY RULING COMPOUNDED BY FRAUD IN CONCEALING THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION IS INHERENTLY "VAGUE" OR "SILENT" ON WHETHER AN UNCONSTITUTIONAL ACT CAN BE SO EXTREME THAT IT

VIOLATES THE "CONSTITUTIONAL" ELEMENT OF AUTHORITY. THE GENTRY CASE PRODUCES A CONSTITUTIONAL BLIND SPOT. THE PROBLEM WITH LABELLING ALL CONSTITUTIONAL ERRORS AS "PROCEDURAL" AS GENTRY DOES. THE RULING SUGGESTS THAT EVEN FLAGRANT DUE PROCESS VIOLATION--ONE THAT MIGHT EFFECTIVELY STRIP A COURT OF ITS LEGITIMATE POWER UNDER THE 14TH. AMENDMENT--DOES NOT VOID JURISDICTION. IF A COURT TAKES AN ACTION THAT IS EXPRESSLY PROHIBITED BY THE CONSTITUTION (AN UNCONSTITUTIONAL ACT LIKE SUBTLY EXPANDING AND FORCE CONSTRUCTING STATUTES SUCH AS S.C. CODE ANN. §§ 17-19-10 AND 17-19-20 VIOLATING THE SEPARATION OF POWERS CLAUSE AND THE PLAIN LANGUAGE RULE AND OTHER DUE PROCESS VIOLATIONS INTENDED ARGUED IN THIS APPLICATION), GENTRY DOES NOT CLEARLY EXPLAIN AT WHAT POINT THE ACT STOPS BEING A "TRIAL ERROR" AND STARTS BEING AN "ILLEGAL EXERCISE OF POWER" THAT SHOULD VOID THE COURT'S AUTHORITY. GENTRY IS "VAGUE" BECAUSE IT ASSUMES A COURT'S POWER REMAINS CONSTANT REGARDLESS OF HOW IT IS EXERCISED. ROJAS AND STEEL CO. ARGUES THE OPPOSITE, THAT A COURT'S POWER IS CONTINGENT ON FOLLOWING CONSTITUTIONAL REQUIREMENTS (LIKE STANDING AND DUE PROCESS) FURTHER ILLUSTRATING THAT GENTRY BY SUPPRESSION OF TRUTH AND FRAUDULENT CONCEALMENT OF JURISDICTION FACTS CANNOT STAND.

IT IS PERSPICUOUS THAT BY THE INTRODUCTION AND OR OPENING STATEMENT THAT IS IN THE PROCESS OF BEING FILED IN THE APPLICANTS POST CONVICTION RELIEF PROCEEDINGS THAT THE STATE APPOINTED ATTORNEY'S USE OF THE STATE V. GENTRY CASE IS SUSPECT AND DUBIOUS TO SAY THE LEAST LACKING IN MERIT. IF THE APPELLANT AS A "SO-CALLED INMATE" CAN DETERMINE THESE JURISDICTIONAL FACTS, WHY CAN'T THE STATE APPOINTED ATTORNEY? THE ONLY CONCLUSION IS IT IS JUST AS THE APPELLANT ASSERTED. THE STATE APPOINTED ATTORNEY HAS BEEN COMPROMISED BY THE STATE, CONSPIRING UNDER COLOR OF STATE LAW, IN ACTS OF FRAUD UPON THE COURT TO MANIPULATE THE APPELLANT IN WAIVING SUBSTANTIAL JURISDICTIONAL CLAIMS REQUIRING HER REMOVAL FROM OFF THIS APPEAL DUE TO THIS CLEAR CONFLICT OF INTEREST. THE STATE APPOINTED ATTORNEY MADE USE OF STATE V. TATE ASSERTING THAT THE CAPTION IS NOT A PART OF THE FINDINGS OF THE GRAND JURY, THAT IT IS BODY OF THE INDICTMENT THAT IS IMPORTANT?

WELL LET'S TALK ABOUT THE BODY OF THE INDICTMENT(S). NOT ONLY DO THE INDICTMENT FOR MURDER FAIL TO ALLEGE THE TIME AND PLACE OF THE DEATH IN THE BODY OF THE CHARGING INSTRUMENT; THE TIME AND PLACE OF ASSAULT ARE THERE BUT NOT THE TIME AND PLACE OF THE DEATH, VIOLATING THE PROVISIONS OF S.C. CODE ANN. §§ 17-19-10 AND 17-19-20. WITHIN THE BODY OF THE INDICTMENT(S), BY THE LANGUAGE CONTAINED THEREIN, THE GRAND JURY IN VIOLATION OF THEIR SHIELDING FUNCTION HAS SWORE UPON THEIR OATH GUILT AND ALREADY CONVICTED THE APPELLANT BEFORE HE EVER WENT TO TRIAL, PREDETERMINING IN ADVANCE THE OUTCOME OF THE PROCEEDINGS, TAKING AWAY THE APPELLANT'S PRESUMPTION OF INNOCENCE, SHIFTING THE BURDEN OF PERSUASION TO THE APPELLANT IN VIOLATION OF THEIR SHIELDING FUNCTION AND DUE PROCESS LAW. THE GRAND JURY BY THE LANGUAGE UTILIZED WITHIN THE BODY OF THE INDICTMENT DO NOT HAVE THE POWER OR AUTHORITY BY STATE OR FEDERAL LAW, OR STATE OR FEDERAL CONSTITUTION, TO CONVICT A PERSON. THEN IN ORDER TO ATTEMPT TO CURE THIS FATAL CONSTITUTIONAL DUE PROCESS STRUCTURAL ERROR, NOT SUBJECT TO HARMLESS ERROR REVIEW, THE COURT GIVES A CURATIVE INSTRUCTION STATING THAT THE INDICTMENT IS NOT EVIDENCE THAT THE APPELLANT IS INNOCENT UNTIL PROVEN GUILTY. THE PROBLEM WITH THIS IS THAT ONCE THE BELL IS RUNG, IT CANNOT BE UNRUNG, AND IN ORDER TO GIVE THE CURATIVE INSTRUCTION, THE TRIAL COURT MUST CONSTRUCTIVELY AMEND THE INDICTMENT ON THE ESSENTIAL MENS REA ELEMENTS OF THE OFFENSE DEMONSTRATING THE OVERWHELMING PREJUDICE WHICH SUPPORT THAT THIS IS NOT A HARMLESS ERROR. THE "BELL CANNOT BE UNRUNG" IS A CRITICAL SAFEGUARD FOR THE PRESUMPTION OF INNOCENCE. IF THE STATE OR PROSECUTOR PRODUCE "SKUNK LIKE" EVIDENCE OR DOCUMENTS INTO THE PRIVY OF THE TRIAL JURY WITHOUT ANY ASSESSMENT OF ASKING THE JURY IF THEY HAVE EVEN BEEN AFFECTED BY THE DOCUMENT, INFORMATION THAT STINKS UP THE JURY BOX REGARDLESS OF INSTRUCTION, IT SHIFTS THE JURY'S FOCUS FROM THE STATE DUTY TO PROVE THE FACTS BEFORE THEY CAN EVER BE ASSERTED. BECAUSE THE PRESUMPTION OF INNOCENCE IS A "CARDINAL PRINCIPLE" OF THE JUSTICE SYSTEM, SOUTH CAROLINA COURTS RECOGNIZED THAT HEARING OR SEEING SUCH DOCUMENTS CAN SHIFT A JUROR'S MINDSET FROM DID THEY DO THIS CRIME, TO WELL THEY HAVE ALREADY BEEN FOUND GUILTY BY THE LANGUAGE COMING FROM THE GRAND JURY SO IT MUST BE TRUE. IN SOUTH CAROLINA LAW, IF A CURATIVE INSTRUCTION EFFECTIVELY RESULTS

IN CONSTRUCTIVE AMENDMENT BY ALTERING ESSENTIAL ELEMENTS OF THE OFFENSE, IT CREATES A FATAL CONSTITUTIONAL, NOT PROCEDURAL ERROR AND CONFLICT. THE INDICTMENT ALLEGES THE APPELLANT IS GUILTY WITH "MALICE AND AFORE THOUGHT", THE JUDGE'S CHARGE SAYS THE APPELLANT IS INNOCENT OF "MALICE AND AFORETHOUGHT" CHANGING THE VERY NATURE OF WHAT HAS BEEN RETURNED BY THE GRAND JURY. UNDER SOUTH CAROLINA CONSTITUTION, A DEFENDANT HAS A RIGHT TO BE TRIED ONLY ON THE CHARGES RETURNED BY THE GRAND JURY. THE GRAND JURY ALREADY BY THEIR LANGUAGE ADJUDICATED GUILT. THE COURT CANNOT THEN COME BACK AND SAY THE APPELLANT IS INNOCENCE UNTIL PROVED GUILTY OF THE ESSENTIAL ELEMENT CONTRADICTED WHAT IS DETERMINED BY THE GRAND JURY. THIS PRODUCES A POTENTIAL DOUBLE JEOPARDY CLAIM. THE STATE IS STRICTLY BOUND BY THE "SPECIFIC" LANGUAGE AND THEORIES PRESENTED TO THE GRAND JURY. THE COURT BY INSTRUCTION CANNOT SHIFT THE THEORY OF BEING ALREADY CONVICTED BY THE GRAND JURY'S SPECIFIC LANGUAGE. IF THE EVIDENCE OF THE JUDGE'S INSTRUCTION DEVIATE FROM THE INDICTMENT(S) ESSENTIAL ELEMENTS, ITS NOT A "HARMLESS ERROR" THAT CAN BE CORRECTED BY CURATIVE INSTRUCTION. IF THE CURATIVE INSTRUCTION WOULD HAVE TO CHANGE THE LEGAL THEORY OF THE CASE (GRAND JURY INDICTMENT DETERMINATION OF GUILT) TO "FIX" A MISTAKE, THE COURT MUST INSTEAD GRANT DIRECT VERDICT OF ACQUITTAL OR MISTRIAL, AS THE BELL CANNOT BE "UNRUNG" WITHOUT BREAKING THE INDICTMENT ITSELF. IT WOULD CHANGE THE VERY NATURE OF THE ACCUSATION RETURNED BY THE GRAND JURY. A CURATIVE INSTRUCTION THAT LEAD TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENT TRIGGERS A MULTI-LAYERED CONSTITUTIONAL CONFLICT. AT IT'S CORE, THIS CONFLICT PITS THE COURT'S "POWER" (JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT) TO "FIX" THE ERRORS AGAINST THE DEFENDANT'S FUNDAMENTAL DUE PROCESS RIGHT TO PROPER NOTICE AND A GRAND JURY VIOLATING ARTICLE 1 § 11 OF THE SOUTH CAROLINA CONSTITUTION, NELSON v. COLORADO, 137 S.Ct. 1249, 197 L.Ed.2d. 611, 85 U.S.L.W. 4205(U.S.2017)(REGARDING THE PRESUMPTION OF INNOCENCE); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016)(REGARDING THE PRESUMPTION OF INNOCENCE). THE PRINCIPLE THAT "ONCE THE BELL IS RUNG IT CANNOT BE UNRUNG" IS A CORNERSTONE OF SOUTH CAROLINA AND FEDERAL JURISPRUDENCE, PARTICULARLY CONCERNING CONSTRUCTIVE AMENDMENTS--WHERE TRIAL COURT'S INSTRUCTION EFFECTIVELY CHANGE THE GRAND JURY'S ORIGINAL

INDICTMENT, STATE v. DENT, 446 S.C. 121, 919 S.E.2d. 394(S.C.App.2025)(THE COURT REVERSED THE CONVICTION BECAUSE THE TRIAL JUDGE'S JURY INSTRUCTION EXPANDED THE INDICTMENT'S SPECIFIC CHARGE); STATE v. ERB, 447 S.C. 84, 924 S.E.2d. 100(S.C.App.2025)(THE INSTRUCTION MUST SPECIFICALLY ALIGN WITH THE CHARGING DOCUMENT); STATE v. PHILLIPS, 430 S.C. 319, 844 S.E.2d. 651(S.C.App.2020)(CASE REVERSED DUE TO THE "ONCE THE BELL IS RUNG IT CANNOT BE UNRUNG" PRINCIPLE); UNITED STATES v. JOHNSON, Fed. Rptr., 2022 WL 17546916 (4th.Cir.2022); UNITED STATES v. BREWBAKER, 87 F.4TH. 563(4th.Cir.2023)(A CONSTRUCTIVE AMENDMENT OF AN INDICTMENT OCCURS WHEN THE COURT OR GOVERNMENT BROADENS THE POSSIBLE BASES FOR CONVICTION BEYOND THOSE STATE WITHIN THE INDICTMENT BY, FOR EXAMPLE, ASSERTING A SPECIFIC LEGAL THEORY IN THE INDICTMENT, BUT THEY RELY ON A DIFFERENT THEORY AT TRIAL; AND THIS IS IMPERMISSIBLE).

NOT ONLY DID THE COURT TAKE AWAY THE APPELLANT'S PRESUMPTION OF INNOCENCE PREDETERMINING IN ADVANCE THE OUTCOME OF THE PROCEEDING ALLOWING THE GRAND JURY TO CONVICT THE APPELLANT BEFORE ANY TRIAL COMMENCED BY THE LANGUAGE IN THE INDICTMENT, AND THEN CONSTRUCTIVELY AMENDED THE INDICTMENT(S) ADDED IN THE TIME OF PLACE OF THE DEATH WHICH WAS NEVER PASSED UPON BY THE GRAND JURY. THE TRIAL COURT AND PROSECUTOR ENGAGED IN SHAM LEGAL PROCESS PRODUCING INDICTMENT THAT APPEAR TO HAVE NEVER ACTUALLY WENT TO THE GRAND JURY, RUBBER STAMPING THEM IN ADDITIONAL ACTS OF FRAUD UPON THE COURT, WHICH IS WHY THE APPELLANT IS SEEKING THE GRAND JURY PANEL DOCUMENTS VIA THE INTENDED PCR APPLICATION. THEY ALSO ALLOWED STATEMENTS INTO THE COURT RECORD, NOT JUST THAT ESTABLISH THE RULE 403 CLAIM ARGUED ON APPEAL, BUT WHERE THOSE STATEMENTS WERE ADMITTED IN VIOLATION OF THE APPLICABLE STATUTES OF S.C. CODE ANN. §§ 19-1-80, 19-1-90 AND THEIR SISTER STATUTE. THE APPELLANT IS ARGUING AGAINST THE PRECEDENT RELATED TO THIS ISSUE UNDER RULE 217, WHERE THE S.C. COURTS INVOLVED SUBTLY EXPAND AND FORCED CONSTRUCTED THOSE STATUTES ALL OVER THE PLACE IN VIOLATION OF THE PLAIN LANGUAGE RULE, ESSENTIALLY RENDERING THEM NON-EXISTENT IN VIOLATION OF THE SEPARATION OF POWERS CLAUSE SUPPORTING THE EXTREME PREJUDICE PURSUANT TO THE RULE 403 CLAIM

CURRENTLY BEING ARGUED BEFORE THE S.C. COURT OF APPEALS ATTACHING A CONSTITUTIONAL JURISDICTIONAL NATURE TO THE ISSUE. THE STATE PRODUCED TESTIMONY INTO THE RECORD IN VIOLATION OF CRAWFORD V. WASHINGTON. THEY HAD ONE WITNESS APPEAR, BUT ADDED EVIDENCE FOR TWO WITNESSES IN VIOLATION OF THE CONFRONTATION CLAUSE. THE ENTERED DRUG EVIDENCE INTO THE RECORD WITHOUT A PROPER CHAIN OF CUSTODY IN VIOLATION OF THE APPLICABLE STATUTE(S). THE STATUTE REQUIRES THAT THE CHAIN BE ESTABLISHED BY THE REQUIRED FORMS AND TESTIMONY, NOT TESTIMONY ALONE, WHERE THE S.C. COURTS AGAIN SUBTLY EXPANDED AND FOR CONSTRUCTED THE APPLICABLE STATUTE(S). THE APPELLANT IS ARGUING AGAINST THE PRECEDENT FOR THIS ISSUE AS WELL. THERE IS A VIOLATE OF THE APPELLANT'S RIGHT TO PREEMPTIVELY STRIKE A JUROR WHOSE PRESENCE ON THE CASE TAINTED THE JURY AND VIOLATED THE APPELLANT'S DUE PROCESS RIGHTS. THESE ARE ERRORS THAT ARE INTENDED ARGUED UNDER THE DUE PROCESS-CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE GENTRY CASE IS UNCONSTITUTIONALLY "VAGUE" AND OR "SILENT" ON THE ISSUE OF EXACTLY AT WHAT LEVEL OR POINT, ESTABLISHING A CONSTITUTIONAL "BLINDSPOT", DO THESE EGREGIOUS DUE PROCESS VIOLATION EFFECTS THE COURT'S AUTHORITY (JURISDICTION) TO HEAR THE CASE UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. THE GENTRY COURT IN FRAUD, CLAIMS THEIR JURISDICTION IS ABSOLUTE AS LONG AS JURISDICTION EXIST UNDER THE STATUTE, DESPITE ANY SUPPOSED CONSTITUTIONAL VIOLATION THAT EXISTS IN THE CASE IN CONTRADICTION TO MONTGOMERY AND STEEL CO.. THE GENTRY COURT IN ACTS OF SUPPRESSION OF TRUTH AND FRAUDULENT CONCEALMENT, CONCEALED THE FACT THAT THERE ARE TO ELEMENTS TO SUBJECT MATTER JURISDICTION, NOT ONE, ESTABLISHING THAT THE GENTRY RULING MUST BE DEEMED VOID FOR FRAUD UPON THE COURT AND VAGUENESS. THE COTTON AND PARHURST CASES ARE ADJUDICATED UNDER THE STATUTORY ELEMENT TO SUBJECT MATTER JURISDICTION AND STAND IN CONFLICT WITH MONTGOMERY, STEEL CO, THE CITY OF OCALA, FLORIDA AND OTHER SUCH ESTABLISHED CASES OUT OF THE U.S. SUPREME COURT THAT HAVE NEVER BEEN OVERRULED. THE APPELLANT BRINGS HIS CLAIMS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION. IT IS A FUNDAMENTAL PRINCIPLE OF LAW THAT ACTS THAT VIOLATE DUE PROCESS ARE UNCONSTITUTIONAL AND WOULD VOID SUCH JUDGMENTS OBTAINED WITHIN CRIMINAL PROCEEDINGS, 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 THE 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 GENTRY RULING MUST BE DEEMED VOID BECAUSE IT IS UNCONSTITUTIONALLY VAGUE, SILENT, CREATING A CONSTITUTIONAL BLINDSPOT, AS TO WHETHER A CRIMINAL COURT'S ACTIONS OR JUDGMENTS CAN BE MADE VOID FOR DUE PROCESS VIOLATION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION AND IN EGREGIOUS ACTS OF FRAUD UPON THE COURT TO DEFRAUD THE INMATES OF THIS STATE IN ARGUING THEIR FATAL INDICTMENT DEFECTS, THE COURT PURPOSELY CONCEALED THE FACT THAT THERE ARE TWO ELEMENTS TO SUBJECT MATTER JURISDICTION, NOT ONE, GLOSSIP v. OKLAHOMA, 604 U.S. 226, 145 S.Ct. 612, 221 L.Ed.2d. 90(U.S.2025)(A NEW TRIAL IS THE REMEDY FOR DUE PROCESS VIOLATION UNDER NAPUE v. ILLINOIS, WHICH APPLIES WHERE THE PROSECUTION KNOWINGLY OBTAINS CONVICTION THROUGH THE USE OF FALSE EVIDENCE OR IMPERMISSIBLE ADMISSION OF STATEMENTS IN VIOLATION OF THE STATUTES); SAMIA v. UNITED STATES, 143 S.Ct. 2004 (U.S.2023)(THE APPELLANT HAS RIGHT UNDER CONFRONTATION CLAUSE); UNITED STATES v. STEWARD, 135 F.4TH. 161 (4th.Cir.2025)(REINFORCING THAT GOVERNMENT CANNOT PIVOT THEORIES [CURATIVE INSTRUCTION] OTHER THAN WHAT CAME FROM GRAND JURY); RIVERS v. STATE, OP. 28285 (S.C. MAY 2025)(EVIDENCE CAN BE SO PREJUDICIAL AS TO STRIP THE DEFENDANT OF THE PRESUMPTION OF INNOCENCE); McCLELLAN v. UNITED STATES, 44 F.4TH. 215 (4th.Cir.2022)(THE COURT AFFIRMED THE PRESUMPTION OF INNOCENCE EVEN IN CIVIL CASES); UNITED STATES v. CONTRERAS-AVALOS, 139 F.4TH. 314(4th.Cir.2025)(ANY INSTRUCTION THAT BROADENS THE INDICTMENT VIOLATES THE DEFENDANT'S SUBSTANTIAL RIGHTS AND UNDERMINES THE PRESUMPTION THAT THEY ARE INNOCENT OF ANY CHARGE NOT FORMALLY PRESENTED. THE INDICTMENTS SAY THE APPELLANT IS GUILTY BEFORE ANY TRIAL COMMENCE.); UNITED STATES v. LEGINS, 34

F.4TH. 304 (4th.Cir.2022)(A CONSTRUCTIVE AMENDMENT OF AN INDICTMENT OCCURS WHEN THE COURT AND GOVERNMENT BROADENS THE POSSIBLE BASES FOR CONVICTION BEYOND THOSE RETURNED BY THE GRAND JURY); 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); UNITED STATES v. MOYE, 45 F.4TH. 770 (4th.Cir.2022); UNITED STATES v. SMITHERS, 92 F.4TH. 237 (4th.Cir.2024)(THE 4TH. CIRCUIT VACATED CONVICTION WHERE THE COURT'S JURY INSTRUCTION FAILED TO ADEQUATELY INFORM THE JURY OF THE MENS REA REQUIREMENTS IN THE CASE INVOLVING A DEALER'S PROSECUTION FOR UNLAWFULLY DISPENSING CONTROLLED SUBSTANCES. THE COURT FOUND THAT AN ERRONEOUS INSTRUCTION, WHERE IN THIS CASE THE CURATIVE INSTRUCTION CONSTRUCTIVELY AMENDS THE INDICTMENT ON THE MENS REA ELEMENTS, COMBINED WITH THE OTHER LEGAL ISSUES AND SUBSTANTIAL DUE PROCESS VIOLATIONS THAT EXIST IN THIS CASE, MEANT THE ERROR WAS NOT HARMLESS, SUGGESTING THAT ONCE THE WRONG LEGAL STANDARD WAS RUNG, CONSTRUCTIVELY AMENDING THE INDICTMENTS ON THE MENS REA ELEMENTS, IT COULD NOT BE CURED BY AN OVERALL CHARGE).

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 IT 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, A LOWER COURT 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 AND OR VACATE 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 THE CONSTITUTIONAL ELEMENT TO SUBJECT  
MATTER JURISDICTION IS SUFFICIENT TO PERMIT THE APPELLANT TO  
ARGUE AGAINST THE PRECEDENT ESTABLISHED BY BOTH THE STATE v.  
GENTRY CASE OF 2005 AND THE STATE v. LANGFORD CASE OF 2012  
REGARDING CLAIM PROCESSING RULES BASED UPON RECENT JUDICIAL  
DETERMINATION COMING OUT OF BOTH THE 4TH. CIRCUIT AND U.S.  
SUPREME COURT WHERE THE LOWER COURT WENT BEYOND THE (365) DAYS TO  
RESOLVE THE CASE AND THE CLAIM PROCESSING RULE IS JURISDICTIONAL  
IN NATURE BEING ATTACHED TO THE S.C. CONSTITUTION UNDER ARTICLE V  
§ 4 AND 1 § 23 AS INTENDED TO BE ARGUED IN THE PCR APPLICATION,  
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); SANTOS-ZACARIA v. GARLAND, 598 U.S. 411, 143  
S.Ct. 1103, 215 L.Ed.2d. 375(U.S.2023); 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, 144  
S.Ct. 1673(U.S.1994)(COURTS, ALL COURTS, STATE AND FEDERAL, ONLY  
POSSESS POWER BY "CONSTITUTION" (EMPHASIS ADDED) AND STATUTE  
WHICH IS NOT TO BE EXPANDED BY JUDICIAL DECREE. THE GENTRY CASE  
BY JUDICIAL DECREE EXPANDED THE COURTS JURISDICTION UNDER THE  
CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION BY ACTS OF  
FRAUD UPON THE COURT. 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, NOT THIS COMPROMISED STATE APPOINTED ATTORNEY OR THE  
COURT OF APPEALS. THE STATE BY DUE PROCESS LAW WOULD BE REQUIRED  
TO RESPOND WHICH THIS ATTORNEY IN ACTS OF FRAUD UPON THE COURT IS  
CONSPIRING UNDER COLOR OF STATE LAW TO PREVENT, 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 LEVEL. THAT COURT DETERMINED:

"COURTS (BOTH STATE AND FEDERAL NO MATTER WHAT JURISDICTION IS GIVEN TO THEM BY A PARTICULAR STATUTE) HAVE NO "CONSTITUTIONAL" AUTHORITY (JURISDICTION) TO PASS ON THE MERITS (WHICH INCLUDE THE CRIMINAL COURT DUE TO ALL THE SUBSTANTIAL DUE PROCESS VIOLATIONS PRESENTED NOW AND INTENDED TO BE FILED WITHIN ANY NEEDED SUBSEQUENT PCR PROCEEDING) OF A CASE BEYOND THEIR JURISDICTION (THE EGREGIOUS ACTS OF FRAUD UPON THE COURT, EVEN BY THE GENTRY COURT AND LOWER COURT ARGUED AND VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE SUBTLY AND OR FORCE CONSTRUCTING STATUTES OUT OF EXISTENCE PLACES THE CONVICTION BEYOND THE STATE'S ABILITY TO MAINTAIN OR LEAVE IN PLACE)--"TO DO SO IS, BY VERY DEFINITION FOR THE 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 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.D.C.1991); THE CITY OF OCALA, FLORIDA v. ROJAS, 598--U.S.--, 2023 WL 2357328 (U.S.2023)(HIGHLIGHTING BOTH ELEMENTS OF SUBJECT MATTER JURISDICTION AND THE VOIDING OF JURISDICTION IN THE DISSENT); 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 DONE 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); HAMER v. NEIGHBORHOOD SERVICES OF CHICAGO, 583 U.S. 17, 138 S.Ct. 13(U.S.2017)(ADDRESSING CLAIM PROCESSING RULES AND FRAUD UPON THE COURT).

THE STATE APPOINTED ATTORNEY IS COMPROMISED BY THE S.C. ATTORNEY GENERAL'S OFFICE CREATING A CONFLICT OF INTEREST REQUIRING HER IMMEDIATE REMOVAL. IF THE APPELLANT COULD HAVE FIGURED THESE JURISDICTIONAL CLAIMS OUT SO COULD HAVE SHE. IN SOUTH CAROLINA, AN APPELLATE DEFENSE ATTORNEY IS LEGALLY AND ETHICALLY PROHIBITED FROM CONSPIRING UNDER COLOR OF LAW WITH THE ATTORNEY GENERAL TO MANIPULATE THE APPELLANT INTO WAIVING LEGITIMATE JURISDICTIONAL CLAIMS. ENGAGING IN SUCH CONDUCT CONSTITUTE PROFESSIONAL MISCONDUCT AND WOULD ALSO BE CLASSIFIED AS FRAUD UPON THE COURT. UNDER SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT, RULE 8.4, IT IS MISCONDUCT FOR A LAWYER TO ENGAGE IN DISHONESTY, FRAUD, DECEIT, OR MISREPRESENTATION AS SHE DID, OR TO ENGAGE IN CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE. UNDER THE CONCEPT OF CANDOR TO A TRIBUNAL. RULE 3.3 REQUIRES ATTORNEYS TO BE TRUTHFUL WITH THE COURT, WHICH SHE WAS NOT, AND CORRECT ANY FALSE STATEMENTS OF MATERIAL LAW OR FACT AS IT RELATES TO THE LEGAL ISSUES PRESENTED WITHIN THIS PLEADING. THE POWER TO WAIVE LEGAL PROTECTIONS GENERALLY BELONG TO THE CLIENT, NOT THE ATTORNEY. A APPELLATE DEFENSE ATTORNEY WHO UNILATERALLY WAIVES A CLIENT'S LEGITIMATE JURISDICTIONAL CLAIMS WITHOUT AUTHORIZATION OR THROUGH DECEPTIVE MEANS VIOLATES THEIR FIDUCIARY DUTY. AS IT RELATES TO "COLOR OF STATE LAW" AND CONSPIRACY, SECTION 1983 LIABILITY, INDIVIDUALS ACTING "UNDER COLOR OF STATE LAW" CAN BE SUED FOR DEPRIVING OTHERS OF CONSTITUTIONAL DUE PROCESS RIGHTS. WHILE PRIVATE ATTORNEYS OR STATE APPOINTED ATTORNEYS TYPICALLY DO NOT ACT UNDER COLOR OF STATE LAW, THE U.S. SUPREME COURT HELD UNDER TOWER v. GLOVER, 467 U.S. 914, 104 S.Ct. 2820, 1 L.Ed.2d. 758(U.S.1984) THAT THEY CAN BE HELD LIABLE IF THEY CONSPIRE WITH STATE OFFICIALS TO DEPRIVE

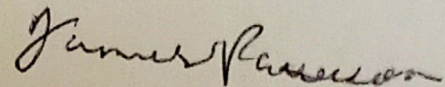
THEIR CLIENTS OF CONSTITUTIONAL RIGHTS. ALSO SEE HORTON v. VINSON, 2015 WL 4774276(N.D.Va.2015); YOUNG v. POSEY, 2017 WL 4021083, \* 1+ (DSC.2017). IT BECOMES A MISUSE OF THE RULE TO CLAIM THAT NO HYBRID DEFENSE EXIST WHEN UTILIZED AS A LEGAL JUSTIFICATION FOR THE ATTORNEY TO SECRETLY CONSPIRE WITH THE STATE AND ATTORNEY GENERAL'S OFFICE TO WAIVE A CLIENT'S JURISDICTIONAL CLAIMS AND COMMIT FRAUD UPON THE COURT.

RECENT SOUTH CAROLINA SUPREME COURT AND APPELATE DECISION REINFORCE THAT WHILE HYBRID REPRESENTATION IS GENERALLY NOT PERMITTED, ATTORNEY REMAIN BOUND BY STRICT ETHICAL DUTIES, AND THE COURT WILL INTERVENE IN CASES OF FRAUD, STRUCTURAL DEFICIENCIES, OR THE ATTEMPTED WAIVER OF FUNDAMENTAL RIGHTS. IN THE CASE OF STATE v. SWEET, 446 S.C. 356, 919 S.E.2d. 909 (S.C.App.2025), THE HIGHER COURT CONFIRMED THAT WHILE GUILTY PLEAS WAIVE MOST DEFECTS SUBJECT MATTER JURISDICTION CANNOT BE WAIVED AND REMAINS A VALID GROUND FOR LEGAL CHALLENGE. IN THE CASE OF IN THE MATTER OF LOUIS S. MOORE, 446 S.C. 115, 919 S.E.2d. 391 (S.C.App.2025), THE HIGHER COURT IN ITS DISCIPLINARY ORDER OUTLINES THE DISBARMENT OF AN ATTORNEY FOR CONDUCT THAT INCLUDED VIOLATING RULES OF PROFESSIONAL CONDUCT AND FAILING TO UPHOLD THE INTEGRITY OF THE LEGAL PROFESSION. IN THE CASE OF LINDSEY v. STATE, 2025 WL 3085693 (S.C.App.2025) THE HIGHER COURT HIGHLIGHTED THE COURT'S SCRUTINY IN PCR OF THE LEGAL SUFFICIENCY OF EVIDENCE WHICH IS RELEVANT IN THIS CASE ADDRESSING THE SUFFICIENCY OF THE STATEMENTS USED IN VIOLATION OF THE STATUTES EFFECTING THE RULE 403 CLAIM AND ESTABLISHING THAT THERE ARE INDEED TWO ELEMENTS TO SUBJECT MATTER JURISDICTION IN SUPPORT OF THE APPELLANT'S CLAIMS MADE. IN THE CASE OF CARRIER v. STATE, 441 S.C. 547, 895 S.E.2d. 679 (S.C.App.2023), THE COURT ADDRESSED THE STATE'S MANIPULATION OF THE GRAND JURY PROCESS WHICH SUPPORT THE CLAIMS THAT WERE INTENDED TO BE ARGUED IN POST CONVICTION RELIEF, AND THE INEFFECTIVE ASSISTANCE OF COUNSEL REGARDING JURISDICTIONAL INDICTMENT DEFECTS. IN THE CASE OF UNITED STATES v. PITTMAN, 125 F.4TH. 527 (4th.Cir.2025), THE COURT DETERMINED THAT A DEFENDANT WHO WISHES TO PRESERVE AN ARGUMENT THAT A STATUTE OR INTERPRETATION OF LAW IS ERRONEOUS OR VAGUE OR SILENT

ON A PARTICULAR ISSUE AND THEREBY UNCONSTITUTIONAL, HE MUST BE PERMITTED TO MAKE THE ARGUMENT BY PLEADING OR ESTABLISH GOOD CAUSE FOR NOT HAVING DONE SO. THE APPELLANT MOTIONS FOR LEAVE TO RELIEVE COUNSEL DUE TO CURRENT FRAUD UPON THE COURT, CONSPIRACY, OBSTRUCTION OF JUSTICE AND CONFLICT OF INTEREST. THE APPELLANT MOTION FOR LEAVE TO ACT PRO SE AND LEAVE TO SUBMIT BRIEF OR THAT THE COURT ACCEPT THIS PLEADING AS A FUNCTIONAL EQUIVALENT, OR IF THE COURT DENIES THE REQUEST, THE APPELLANT RESERVES HIS RIGHT TO WITHDRAW THE APPEAL IN ORDER TO HAVE THESE CLAIMS AND LEGAL ISSUES HEARD WITHIN A POST CONVICTION RELIEF PROCEEDING. THE APPELLANT PRAYS FOR THIS RELIEF TO INCLUDE ANY AND ALL OTHER RELIEF THE COURT WOULD DEEM JUST, FAIR AND PROPER.

RESPECTFULLY,

JAMES J. PATTERSON III



FEBRUARY 21, 2026



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
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Wanda H. Carter, Chief Appellate Defender

**RECEIVED**

**Feb 23 2026**

**SC Court of Appeals**

February 12, 2026

James J. Patterson, #368709  
Evans Correctional Institution  
610 Hwy. 9 West  
Bennettsville, SC 29512

Re: Your Case

Dear Mr. Patterson:

I have received your signed drop affidavit and attached letter dated February 10, 2026. Regarding your attached letter, you are correct that if a trial court lacks subject matter jurisdiction, that issue can be raised anytime. *Carter v. State*, 329 S.C. 355, 362, 495 S.E.2d 773, 777 (1998) (“Issues related to subject matter jurisdiction may be raised at any time.”). However, the issue you raise concerning your indictment, in my opinion, does not deprive the trial court of jurisdiction. *Tate v. State*, 345 S.C. 577, 581, 549 S.E.2d 601, 603 (“The caption of an indictment is no part of the finding of the grand jury; instead, it is the body of the indictment that is important.”); *State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005) (“If an indictment is challenged as insufficient or defective, the defendant must raise that issue before the jury is sworn and not afterwards.”). Because of that, the chances of prevailing on the issue you raise is unlikely and the issue that has been raised in your brief, which is ready for consideration before the South Carolina Court of Appeals, stands a stronger chance of success. By withdrawing your appeal, you will waive review on direct appeal. Based on your letter and stated reasons for withdrawing your appeal, I want to ensure that you understand the consequences of dropping your appeal and the reason I did not move to amend your brief to raise the jurisdictional issue you raised.

I have reattached the drop affidavit to amend the numbered list and the continue affidavit. If it is still your decision to drop your appeal, I ask that you sign the corrected affidavit and return it to me so that I may send a copy to the Court.

Thank you, and please feel free to write if you have any questions or concerns.

Sincerely,

Molly M. Keegan  
Appellate Defender

MMK/cs

STATE OF SOUTH CAROLINA )

IN THE SOUTH CAROLINA  
COURT OF APPEALS

COUNTY OF LEXINGTON )

THE STATE, )

APPELLATE CASE NO. 2023-001474

RESPONDENT, )

DROP  
AFFIDAVIT

v. )

JAMES JOSEPH PATTERSON, III, )

APPELLANT. )

**RECEIVED**

**Feb 23 2026**

**SC Court of Appeals**

PERSONALLY appeared before me, James Joseph Patterson, III, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. A Lexington County grand jury indicted me in September 2022 for the offenses of murder and possession of a weapon during the commission of a violent crime (2022-GS-32-6146 and 2022-GS-32-6147). My case was called to trial September 5, 2023, before the Honorable Daniel D. Hall and a jury. On September 7, 2023, I was sentenced to thirty years' imprisonment for murder and a concurrent five-year term for the possession of a weapon during the commission of a violent crime.
3. On September 15, 2023, my retained trial counsel filed a Notice of Appeal.
4. The late Chief Appellate Defender Robert M. Dudek was assigned to perfect my direct appeal before the Court of Appeals.
5. Final Briefing was completed in my case on March 10, 2025, and my direct appeal is ready for consideration before the Court of Appeals.
6. My case was reassigned to Appellate Defender Molly M. Keegan on July 3, 2025.
7. On September 29, 2025, I contacted Counsel Keegan via telephone asking her to amend the briefing in my case to raise other issues. I continued written and telephone correspondence with Counsel Keegan throughout November and December of 2025 and January of 2026 discussing my desires to amend the issues raised in this direct appeal or to alternatively

abandon my direct appeal in the interest of pursuing post-conviction relief (PCR).

8. In discussing the legal merits of my direct appeal, my attorney discussed that the Chief Appellate Defender filed a merits brief on my behalf and the consequences of withdrawing my appeal at this time. I understand that by dropping my direct appeal, I may be deemed to have waived this issue and any other properly preserved issues that could be addressed on direct appeal.

9. I understand that I am entitled to an appeal of my conviction, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense. I have been informed that if I drop my direct appeal that I will forever waive those issues that could be raised on direct appeal.

10. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense drop the appeal formally filed on my behalf.

11. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

12. **I do not wish to appeal.**

\_\_\_\_\_  
James Joseph Patterson, III

SWORN TO before me this \_\_\_\_\_ day

of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(L.S.)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Feb 23 2026**

**SC Court of Appeals**

\_\_\_\_\_  
CASE DOCKET NO. 2023-001475  
\_\_\_\_\_

APPEAL FROM LEXINGTON COUNTY  
THE COURT OF GENERAL SESSIONS

INDICTMENT NO.(S) 2022-GS-32-6146, 6147  
\_\_\_\_\_

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

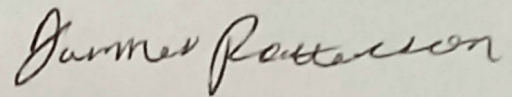
\_\_\_\_\_  
**AFFIDAVIT SERVICE**  
\_\_\_\_\_

I, JAMES JOSEPH PATTERSON III, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR LEAVE TO RELIEVE COUNSEL; MOTION FOR LEAVE TO FILE BRIEF TO ARGUE AGAINST THE PRECEDENT PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 AND OR IN THE ALTERNATE MOTION TO WITHDRAW AND MOTION TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS P.O. BOX 11629 COLUMBIA, S.C. 29211, ON ATTORNEY

MOLLY M. KEEGAN AT THE S.C. COMMISSION OF INDIGENT DEFENSE,  
DIVISION OF APPELLATE DEFENSE ATTORNEY MOLLY M. KEEGAN 1330 LADY  
STREET SUITE 401 COLUMBIA, S.C. 29211-3332, THE S.C. ATTORNEY  
GENERAL P.O. BOX 11549 COLUMBIA, S.C. 29211 AND ALL INVOLVED  
PARTIES BY U.S. MAIL POSTAGE PREPAID BY DEPOSITING IT IN THE  
INSTITUTION MAILBOX ON FEBRUARY 23, 2026.

RESPECTFULLY,

JAMES J. PATTERSON III

A handwritten signature in cursive script, reading "James J. Patterson III".

FEBRUARY 23, 2026

**RECEIVED**  
**Feb 23 2026**  
**SC Court of Appeals**

JAMES JOSEPH PATTERSON III  
#368709 F3B. RM. 230  
EVANS C.I. 610 HWY. 9 WEST  
BENNETTSVILLE, S.C. 29512

IN RE: CASE NO. 2023-001474 AND FILING MOTION TO RELIEVE COUNSEL  
DUE TO CONFLICT OF INTEREST AND FRAUD UPON THE COURT.

TO: THE S.C. COURT OF APPEALS,

THE ATTACHED PLEADING IS BEING FILED FOR THE PURPOSE  
OF MOTIONING FOR LEAVE TO RELIEVE THE STATE APPOINTED COUNSEL FOR  
ME. PLEASE FILED WITHIN THE CASE CAPTIONED AND FORWARD THE  
PLEADING FOR ADJUDICATION. I THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,  
JAMES J. PATTERSON III

FEBRUARY 23, 2026

CC: THE OFFICE OF INDIGENT DEFENSE  
THE S.C. ATTORNEY GENERAL