

Robert M. Waddells
Appellant
v

The State of South Carolina
Greenville County
Respondent

The Supreme Court of South Carolina

Appellate Case No: 2026-00078

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S.C. SUPREME COURT

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My Explanation or reason(s) why no such prohibition should not be imposed in which to prohibit me from filing a post conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court, challenging my conviction and sentence including a Motion under Rule 29 of the South Carolina Rules of Criminal Procedure without first obtaining the permission of this court to do.

so...

(1) issues or claim of Lack of Subject Matter Jurisdiction can be raised at anytime: Brown v State 343 SC 342, 346, 540 S.E.2d 846, 848-42 (2001).

(2) ^{Habeas Corpus:} when I can show that PCR procedure Act is unavailable or inadequate. Gibson v State 329 SC 3741, 495 S.E.2d 426, 428 (1998) and grounds raised in the

(3) subsequent application could not have been raised in the previous application. Tilley v State 334 SC 24, 511 S.E.2d 689 (1999)

(3) My due process and equal protection of right of SCRPC Rule 21.1(a) was violated by Court Appoint Counsel

Robert Mills Arvails Jr. - who did not insure that all p. 2 of 9
available grounds for relief were included in my first
Pet application case 2014-CP-23-00589 and amending my
application when it was necessary... It's taken me
24 years of reading law, using the tablet law library,
trying to comprehend the meaning of statutory case
laws, constitutional laws, and my right to due
process. I am no graduate of the S.C. Bar Association.
I was dependent upon Robert Mills Arvails Jr. to
insure that all available grounds for relief were included
in my Pet application case 2014-CP-23-00589 ^{raising} ~~with~~ ^{issuing} all issues
in accordance with SC 1976 Code of law ~~17-27-10, 20, 20~~
~~17-27-10~~ through 17-27-16. Failure to comply with SC Code
Rule 71.1(d) denied me a full B to of the state, and
subjected me to be tried with being procedurally barred
from raising any claims that I can be held in custody
unlawfully, precluding me to access to the courts. Issues
that I none just discovered that should have been raised
against my Mr Stephen John Henry who represented me during
pre trial motion to suppress search warrant Evidentiary
hearing by Robert Mills Arvails Jr. pursuant to SC Code
Rule 71.1(d)

Mr Stephen John Henry performance fell below and
object standard of reasonable pursuit to strict law

v. Washington 466 U.S. 668 (prayer test; was failing to object to trial judge denying his motion to suppress the search warrant pursuant to franks v. Delaware 438 U.S. 154.

and

Pursuant to the second prayer test of Strickland v. Washington supra I was prejudiced by Mr. Henry's deficient performance in failing to object to trial judge denying his motion to suppress the search warrant pursuant to franks v. Delaware 438 U.S. 154, because it denied me of appellate review by the S.C. Court of Appeals; in which had it not been for Mr. Henry's deficient performance there is a reasonable probability that the outcome of the proceeding would have been different. see also in Sept 22-24 2008 trial transcript of Judgment 2012-GS-23-1063 before Judge Larry R. Patterson, page 81 line _____ through page _____ line _____.

- Other issues that should have been raised is insufficiency of the indictment
- The conviction was invalid due to the due process clause of SC Const article I section 3 and US Const Amend. 5th 14th. In re Winship 397 U.S. 358. The state failed to prove me guilty of every fact element of the indictment as charged by the grand jury, and the state's proof created a Material Variance, which combined with the trial judge's charge to the jury resulted in me being convicted of an uncharged offense in which at the

time the jury was sworn, there was not true bill of indictment under 2002-65-23-1063 charge a finding probable cause to charge true bill, the on indictment for that offense.

Id in Indictment 2002-65-23-1063 Sept 22-24 2008 trial transcript pg 167 line 3 through page 258 line 13. Proct. and ^{Body of} Indictment 2002-65-23-1063. ad Judge charge to jury Id in trial transcript pg 509 line 21 through pg 511 line 3. I would not have to

attempt to raise any of the existing grounds for relief prose if Mr Robert Mills arraigned for Hadnot violated my due process ad preceeded due process of right to surrim 71. (d)

If I can not pay a private lawyer alot of money to represent me, ad protect my right from being violated by the state, the trial judge ad prosecuting attorney. I cant expect a public defender a court appointed counsel pro-bono etc to represent me as an indigent defendant the same way it I was paying him as a private counsel or attorney.

But I have no problem in asking the court to allow me to proceed forward in the circuit court if I can make a prima facie showing that I have a valid issue that entitles me to the relief sought in my Motion or Petition of Circuit Court.

Sworn to before me on this _____ day
_____ month _____ year
Sic Peter _____

Robert Watkins 29383 539A
Livingston Court East
P.O. Box 530
Una SC 29328

Exp Date _____