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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal From Charleston County  
Court of Common Pleas  
Hon. Jennifer B. McCoy, Chief  
Administrative Judge

Appellate Case No. 2026-000304

David Chapman, #185661.....Appellant,

vs,

State of South Carolina.....Respondent.

EXPLANATION PURSUANT 243(c)

The Order was received by me on February 18, 2026, for explanation why this action should not be barred by successive, or being untimely under statute of limitations.

In Robertson v State, 418 S.C. 505, 795 S.E.2d 29 (S.C. 2014) where the court said, "When considering the State's motion for summary dismissal, where no evidentiary hearing has been held, the PCR judge must assume facts presented by the applicant are true and view those facts presented by the applicant are true and view those facts in light most favorable to the applicant." After my guilty plea, My attorney send me my discovery file, and

discovered in the medical records that the victim made a declaration to the doctors and nurses that he didn't want to be resuscitated if anything happen to him. Then in the medical record that the victim died as a result of injuries of a broken neck, but he died from a punctured artery, while being treated for pneumonia.

I'm not a doctor but there is medical reasons that the victim's death was caused by the doctor who was trying to treat him for pneumonia. In *State v. Doe*, 218 S.C. 520, 63 S.E.2d 303 (S.C. 1951) its is well understood, one who inflicts an injury on another is deemed by law to be guilty of homicide if the injury contributes mediately or immediately to the death of the other. My cause is different, I did not cause the victim to go to the hospital and his injury was not cause by me and he made the declaration do not resuscitated.

None of the cases found have a clause about his declaration in place long before the injury and this is the reason that I want a trial.

The there is a warrantless arrest. The north Charleston police arrested me on James Island stating they had a warrant for my arrest. they never presented the warrant, but interrogated me and got an incriminating statement. My lawyer would not bring that to the court. I feel that the statement was the fruit of the poisonous tree, *Wong Sun v. U.S.* 371 U.S. 471, 83 S.Ct.407 (1963) where long before 2026 the court made warrantless and

evidence ill-legal and in State v. Boswell, 391 S.C. 592, 707 S..2d 264 (S.C. 2011) the court said, officer of the sheriff's department were not authorized by multijurisdictional agreement to arrest defendant in another county and therefore arrest was unlawful and subsequent confession were inadmissible as fruit of poisonous tree .... As an initial matter, it is undisputed that the Lexington County officer were not in pursuant of Boswell from Lexington County into Calhoun County, thus, section 17-13-40 of the South Carolina Code is not relevant to our determination of this issue. ...Furthermore, there is no substantiated evidence that Lexington County officers had a warrant for Boswell's arrest. There was no arrest warrant issued for Mr. Chapman, and the only way North Charleston officers could arrest Mr. Chapman, is multi-jurisdictional agreements. This is were a PCR hearing comes in. The Robertson Court said, "Where an applicant alleges facts hat would established an exception to either the statute of limitations or the prohibition against successive PCR applications and those facts are not refuted by the record before the PCR court, a question of fact is raised which can only be resolved by a hearing (quoting McCoy, 401 S.C. at 396, 737 S.E.2d at 626.

The term jurisdiction and recognizing that subject matter jurisdiction is the authority granted through the constitution or statute to adjudicated a class of cases or controversies and that territorial jurisdiction is the authority over person, things or

occurrences located in a defined geographical area.

we know issue relating to subject matter jurisdiction can be raised at any time. State v Adams, 354 S.C. 361, 580 S.E.2d 785 (Court of Appeals 2003).

Thus Appellant prays for a hearing.

CONCLUSION

Applicant had filed filed a writ of mandamus to get the State to respond after five years, now the State want to dismissed this PCR without a hearing dispute two issues have merit and one can be raised at anytime.

Dated  
3/7/2026

  
David Chapman