

From: [Harrison, Catherine](#)
To: [Court Of Appeals Filings](#)
Subject: FW: Appellate Case No. 2024-000643 — Formal Directive to Counsel — Notice of Federal Civil Rights Violations
Date: Tuesday, March 24, 2026 8:32:41 AM

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SC Court of Appeals



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From: Doc <harley74rlw@yahoo.com>
Sent: Tuesday, March 24, 2026 12:55 AM
To: Carter, Wanda <wcarter@sccid.sc.gov>
Cc: coafilings@sccourts.org; Harrison, Catherine <CHarrison@sccourts.org>; Mark Farthing <mfarthing@scag.gov>; agwilson@scag.gov; Dudek, Robert <rdudek@sccid.sc.gov>; Doug Fender <dfender@lex-co.com>
Subject: Appellate Case No. 2024-000643 — Formal Directive to Counsel — Notice of Federal Civil Rights Violations

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

This message is being sent to the following:

To: Wanda H. Carter, wcarter@sccid.sc.gov

Cc:

Clerk of Court, South Carolina Court of Appeals — coafilings@sccourts.org
Catherine Harrison, Chief Deputy Clerk — charrison@sccourts.org
Mark Reynolds Farthing, Office of the Attorney General — mfarthing@scag.gov
Alan McCrory Wilson, Attorney General — agwilson@scag.gov
Robert M. Dudek, Executive Director, SCCID — rdudek@sccid.sc.gov
Douglas Wayne Fender II — dfender@lex-co.com

From: Russell Lewis Walker, harley74rlw@yahoo.com

Date: March 24, 2026

Subject: Appellate Case No. 2024-000643 — Formal Directive to Counsel — Notice of Federal Civil Rights Violations

This communication serves three purposes:

A formal directive to my counsel of record, Wanda H. Carter, regarding specific actions required in my pending appeal.

A notice to all recipients that the conduct underlying this appeal implicates federal criminal statutes, specifically 18 U.S.C. §§ 241 and 242.

A preservation of the record for use in state appellate proceedings, any post-conviction proceeding, any disciplinary proceeding, and the refiling of my federal civil rights action under 42 U.S.C. § 1983.

I am sending this email today, March 24, 2026. A certified letter with identical content is being mailed to Ms. Carter. All recipients should treat this communication as part of the official record.

PART ONE: DIRECTIVE TO COUNSEL

Ms. Carter,

On September 22, 2025, the South Carolina Court of Appeals denied my motion to relieve you as counsel. You remain my attorney of record. You have professional and ethical duties to me under the South Carolina Rules of Professional Conduct—not to the Court, not to the Attorney General's Office, and not to the individuals I have named as defendants in federal litigation.

For twenty months, you have taken no action to advance my appeal. You filed an Anders brief in July 2024 asserting there were no meritorious issues. That assertion was wrong. The most fundamental issue in this case—lack of subject-matter jurisdiction—was not addressed.

The Jurisdictional Defect

On July 21, 2021, I made a timely written demand for a preliminary hearing. The State of South Carolina never provided one.

Under S.C. Code § 22-5-320, a preliminary hearing is mandatory upon demand. The statute uses the word "shall" twice in a single sentence. South Carolina courts have consistently held that "shall" in this context is mandatory, not directory. *Browning v. Hartvigsen*, 307 S.C. 122 (1992); *State v. Ramsey*, 409 S.C. 206 (2014); *State v. Culbreath*, 300 S.C. 232 (1989).

Under *State v. Porcher*, 273 S.C. 502 (1979), and *State v. Funderburk*, 259 S.C. 256 (1972), the failure to provide a demanded preliminary hearing means the Circuit Court never acquires subject-matter jurisdiction. The magistrate retains jurisdiction until the

statutory transfer procedure is completed.

Subject-matter jurisdiction cannot be waived. It cannot be conferred by consent. It can be raised at any time, including for the first time on appeal. *Ex parte McLeod*, 410 S.C. 17 (2014); *State v. Glover*, 294 S.C. 210 (1987).

Because no preliminary hearing was ever held, the Edgefield County Court of General Sessions never acquired jurisdiction over my case. Every subsequent action—every bond, indictment, every hearing, every order, and the guilty plea taken on April 10, 2024—is void ab initio.

This is not a novel argument. This is black-letter South Carolina law. Your Anders brief did not raise it.

Your Instructions

I am instructing you, in writing and unambiguously, to take the following actions:

File a Motion to Vacate the Judgment for Lack of Subject-Matter Jurisdiction, on the grounds that the State failed to provide a preliminary hearing upon my timely written demand, depriving the Circuit Court of jurisdiction.

File a Motion to Supplement the Record on Appeal with the certified NCIC/SLED criminal history report dated August 25, 2025, which shows: (a) the 2021 charges were disposed as "NON-CONVICTION" on April 10, 2024; and (b) a conviction for Assault & Battery 2nd Degree was entered with an "Earliest Event Date" of April 16, 2024—six days after the plea hearing, in my absence, without notice, and without counsel.

File a Supplemental Brief raising the jurisdictional defect and the constitutional violations arising from the events of April 9-10, 2024, as described below.

Response Required

If you intend to comply with these instructions, confirm in writing within ten (10) days.

If you decline to take these actions, provide your refusal in writing within ten (10) days, stating your reasons.

If you fail to respond, I will treat your silence as refusal and will proceed accordingly—including filing a grievance with the Office of Disciplinary Counsel and raising ineffective assistance of appellate counsel in any post-conviction proceeding.

PART TWO: THE EVENTS OF APRIL 9-10, 2024

The following facts are documented in the record and in official government records:

On April 9, 2024, I appeared with counsel for a pretrial hearing before Judge Debra R. McCaslin in McCormick County. The hearing concluded. Judge McCaslin took

pending motions under advisement. I departed the courthouse with my attorney.

After the hearing concluded and I had left, Assistant Solicitor Douglas Wayne Fender II engaged in an ex parte communication with Judge McCaslin. During that communication, Mr. Fender made allegations that I had violated bond conditions.

Based solely on that ex parte communication, Judge McCaslin ordered my arrest. There was no motion. There was no verified petition as required by S.C. Code § 17-15-55. There was no warrant. There was no hearing. There was no notice to me or my counsel.

A McCormick County Sheriff's Deputy arrested me without a warrant and transported me to the McCormick County Detention Center. I was strip-searched and held overnight.

The McCormick County Detention Center has confirmed in writing that it possesses no charging documents for my detention—only a booking record and a release record.

On April 10, 2024, I was brought from my cell to the McCormick County Courthouse in custody. I was presented to Judge McCaslin—the same judicial officer who had ordered my arrest the previous day. Under the duress of that unlawful detention, and after being told words to the effect that I would never be released and that additional charges would follow regardless of any verdict, I entered a guilty plea.

The SLED/NCIC criminal history report shows that no judgment of conviction was entered on April 10, 2024. A conviction for Assault & Battery 2nd Degree appears with an "Earliest Event Date" of April 16, 2024. I was not present on that date. I was not represented by counsel. I received no notice.

PART THREE: FEDERAL CRIMINAL STATUTES IMPLICATED

The conduct described above implicates the following federal criminal statutes:

18 U.S.C. § 241 — Conspiracy Against Rights

This statute makes it a federal crime for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in the free exercise of any right secured by the Constitution.

The right to due process before deprivation of liberty is secured by the Fifth and Fourteenth Amendments. The right to be free from unreasonable seizure is secured by the Fourth Amendment. The right to a jury trial is secured by the Sixth Amendment.

When a judge and a prosecutor communicate ex parte, and the judge then orders the arrest of a defendant without any statutory process, for the purpose of coercing that defendant to abandon his right to trial, the elements of § 241 are implicated.

18 U.S.C. § 242 — Deprivation of Rights Under Color of Law

This statute makes it a federal crime for any person acting under color of law to willfully deprive another of constitutional rights.

When a sitting judge orders the warrantless arrest and overnight detention of a defendant, and then presides over that defendant's coerced plea the following morning, the elements of § 242 are implicated.

The statute provides that if the deprivation involves kidnapping, the penalty is imprisonment for any term of years up to life.

I am not a prosecutor. I cannot bring criminal charges. But I can identify the conduct. I can cite the statutes. And I can ensure the record reflects what occurred.

PART FOUR: NOTICE TO THE ATTORNEY GENERAL

The Office of the Attorney General is defending the judgment in this case. That judgment is void for lack of subject-matter jurisdiction. It was procured through conduct that implicates federal criminal statutes.

If the Attorney General's Office continues to defend this judgment with knowledge of these facts, it is not acting as a neutral advocate. It is acting to preserve a conviction that should not exist and to shield individuals whose conduct is subject to federal criminal exposure.

I have previously filed a civil rights action under 42 U.S.C. § 1983, *Walker v. McCaslin et al.*, Case No. 6:25-cv-12442 (D.S.C.). That case was dismissed under *Heck v. Humphrey* and *Younger v. Harris*—doctrines that apply only because the underlying conviction remains on the books.

When that conviction is vacated—whether through this appeal, through a finding that the court lacked jurisdiction, or through any other proceeding—*Heck* and *Younger* will no longer apply. I intend to refile my § 1983 action at that time, naming all individuals whose conduct deprived me of my constitutional rights.

The Attorney General's Office is on notice.

PART FIVE: NOTICE TO ALL RECIPIENTS

This communication is being sent to multiple recipients because each of you has a role in the proceedings or a professional obligation that is relevant to the matters described.

To Ms. Carter: You are my counsel of record. You have a duty to follow lawful client directives and to provide effective assistance. This communication constitutes a clear directive. Your response—or your failure to respond—will be part of the record.

To the Clerk of the Court of Appeals: My substantive motions have been returned or held for twenty months under the hybrid-representation rule while my counsel has

taken no action. I have been denied meaningful access to the courts of this State. This communication is submitted for the record in Appellate Case No. 2024-000643.

To Mr. Farthing and Attorney General Wilson: You are defending a void judgment. You are on notice of the jurisdictional defect and the federal criminal exposure of the individuals involved. Your continued defense of this judgment, with knowledge of these facts, will be part of the record in any subsequent proceeding.

To Mr. Dudek: Ms. Carter is employed by the South Carolina Commission on Indigent Defense. Her inaction over twenty months has resulted in the denial of effective appellate representation. I expect the Commission to fulfill its oversight responsibilities.

To Mr. Fender: You are a named defendant in my federal civil rights action. You were present on April 9, 2024. The record reflects your role in the events of that day.

PART SIX: PRESERVATION AND NEXT STEPS

I am preserving this communication, and all prior correspondence, for use in:

The pending state appeal (Case No. 2024-000643)

Any post-conviction relief proceeding

Any grievance filed with the Office of Disciplinary Counsel

Any complaint filed with the South Carolina Commission on Indigent Defense

Any referral to the United States Department of Justice, Civil Rights Division

The refiling of my federal civil rights action under 42 U.S.C. § 1983

I am not making threats. I am documenting facts. I am citing law. I am preserving a record. Every person copied on this communication now has knowledge of the matters described. What each of you does with that knowledge is your decision.

The law governs us all—including those who wear robes, those who carry titles, and those who believe their positions place them above accountability. I rejected plea offers for thirty-three months. I demanded my constitutional right to a jury trial. I was held for 268 days. I was arrested without a warrant. I was coerced into a plea under threat of indefinite imprisonment. A judgment was entered against me in my absence.

I did not create this situation. But I will see it through to the end.

Respectfully,

Russell Lewis Walker
714 Spearhead Court
North Augusta, SC 29860
(803) 293-0558
harley74rlw@yahoo.com

This email was sent at 12:55 A.M. on March 24, 2026.

A certified letter containing identical content is being sent to Ms. Carter via U.S. Mail,

with certificate of service to all parties.

This communication and all referenced documents are preserved for use in state and federal proceedings.

R. Walker