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MAR 27 2026

SC Court of Appeals

**RUSSELL LEWIS WALKER**  
714 Spearhead Court  
North Augusta, SC 29860  
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March 24, 2026

**VIA U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Wanda H. Carter, Esquire  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, SC 29201

**Re: Appellate Case No. 2024-000643**  
**The State v. Russell Lewis Walker**  
**Formal Directive to Counsel of Record**  
**Notice of Federal Civil Rights Violations**

Dear Ms. Carter:

This letter serves three purposes:

1. A formal directive to you, as my counsel of record, regarding specific actions required in my pending appeal.
2. A notice that the conduct underlying this appeal implicates federal criminal statutes, specifically 18 U.S.C. §§ 241 and 242.
3. 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.

An email with identical content was sent to you and all parties of record at 12:55 a.m. on March 24, 2026. All recipients should treat this correspondence as part of the official record.

**PART ONE: DIRECTIVE TO COUNSEL**

*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, every 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:

1. **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.
2. **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.
3. **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 of your receipt of this letter.

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:*

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 letter is being sent to multiple recipients because each has a role in the proceedings or a professional obligation 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 receiving 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

## **CERTIFICATE OF SERVICE**

I, Russell Lewis-Walker, hereby certify that on March 24, 2026, I served a true and correct copy of the foregoing letter upon the following parties by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

### **Via U.S. Certified Mail, Return Receipt Requested:**

Wanda H. Carter, Esquire  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, SC 29201

### **Via U.S. First-Class Mail:**

Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Catherine Harrison, Chief Deputy Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Mark Reynolds Farthing, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Alan McCrory Wilson, Attorney General  
Office of the Attorney General  
P.O. Box 11549  
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Robert M. Dudek, Executive Director  
South Carolina Commission on Indigent Defense  
P.O. Box 11433  
Columbia, SC 29211

Douglas Wayne Fender II, Esquire  
Eleventh Circuit Solicitor's Office  
205 E. Main Street, Suite 309  
Lexington, SC 29072



Russell Lewis Walker

March 24, 2026

Russell L. Walker  
714 Spearhead Ct.  
North Augusta, SC 29860

ACT Retail ~~302~~

MAR 25 2026



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FCM LETTER  
AUGUSTA, GA 30901  
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Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

29201-376999

