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Apr 03 2026

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appellate Case No. 2024-000643

**The State,
Respondent,**

v.

**Russell Lewis Walker,
Appellant.**

**On Appeal from Edgefield County
Court of General Sessions
Case Nos. 2024-GS-19-00052 and 2024-GS-19-00053
The Honorable Debra R. McCaslin, Presiding**

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

Dated: April 3, 2026

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TABLE OF AUTHORITIES

Constitutional Provisions

- S.C. Const. art. I, § 11
- U.S. Const. amend. XIV

Statutes

- S.C. Code Ann. § 22-5-320
- S.C. Code Ann. § 17-15-55
- S.C. Code Ann. § 16-9-320(A)
- S.C. Code Ann. § 16-3-1910

Cases

- *Boykin v. Alabama*, 395 U.S. 238 (1969)
- *State v. Evans*, 307 S.C. 477, 415 S.E.2d 816 (1992)
- *State v. Funderburk*, 259 S.C. 256, 191 S.E.2d 520 (1972)
- *State v. Porcher*, 273 S.C. 502, 257 S.E.2d 505 (1979)
- *State v. Sossamon*, 298 S.C. 72, 378 S.E.2d 259 (1989)
- *State v. Glover*, 294 S.C. 210, 363 S.E.2d 19 (1987)
- *Ex parte McLeod*, 410 S.C. 17, 763 S.E.2d 906 (2014)

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APPELLANT’S SUPPLEMENTAL PRO SE SUBMISSION ADDRESSING CONSTITUTIONAL WANT OF SUBJECT- MATTER JURISDICTION AND INVOLUNTARY PLEA

Appellant, Russell Lewis Walker, respectfully submits the following for the Court’s consideration:

I. THE PRIMARY ISSUE IS CONSTITUTIONAL WANT OF SUBJECT-MATTER JURISDICTION

The South Carolina Constitution requires indictment or valid waiver before the Court of General Sessions may proceed on a criminal charge outside magistrate jurisdiction.

The record establishes the following:

1. On **July 21, 2021**, Appellant filed a **timely written demand for a preliminary hearing**.
2. The magistrate records reflect that demand.
3. No preliminary hearing was ever held.
4. On **April 4, 2024**, Assistant Solicitor Esposito wrote that the indictments the State intended to try **“will be going to the Grand Jury next week.”**

5. On **April 9, 2024**, defense counsel stated on the record:

“we’re talking about a case that hasn’t been indicted yet”

6. The court itself responded:

“This case has not been indicted and we’ve got it on the trial docket?”

7. The State then explained that newly prepared indictments were what it intended to proceed on.
8. Defense counsel further explained that the warrant at issue originally related to a **Domestic Violence 1st Degree** charge, but the State intended to directly indict that warrant as **Assault and Battery 1st Degree**.
9. The court denied the motion to dismiss because it believed the State would obtain direct presentment before the April 22, 2024 trial date.

General Sessions could not constitutionally proceed on a charge the State admitted had not yet been indicted. The court proceeded not on an existing valid indictment for the charge being prosecuted, but on a belief that the State would obtain one later. That is not subject-matter jurisdiction.

II. THE PRELIMINARY-HEARING DEFECT INDEPENDENTLY CONFIRMS THE JURISDICTIONAL FAILURE

The demanded preliminary hearing was never held. The magistrate records confirm that no preliminary hearing was rescheduled before indictment. This independently confirms the defect in the transfer of the matter to General Sessions and reinforces the want of jurisdiction.

III. THE PLEA WAS INVOLUNTARY BECAUSE IT FOLLOWED UNLAWFUL IMPRISONMENT

The hearing ended at **12:19 PM** on April 9, 2024. After the hearing ended and after Appellant left with counsel, the prosecutor initiated an ex parte communication. Judge McCaslin then ordered Appellant picked up.

The booking report shows no ordinary warrant or charge detail. Jail Administrator Berna Anderson later wrote that McCormick had **no charging documents** for Appellant, only booking and release records, later adding that there was an order to hold him overnight and bring him back on April 10.

The State’s written emergency bond motion was generated later that day.

On April 10, 2024, Appellant entered a plea while under the duress of overnight imprisonment imposed through that sequence. Under *Boykin v. Alabama*, a plea must be voluntary. A plea entered after unlawful imprisonment and coercive pressure is not voluntary.

IV. THE LATER CYCLE 004 ENTRY CANNOT RETROACTIVELY CURE THE DEFECT

The April 15, 2024 SLED report reflects only **Cycle 003 non-conviction dispositions** and contains **no Cycle 004 entry at all**. The later A&B 2nd conviction appears only in a separate **Cycle 004**, with earliest event date **April 16, 2024**.


A later separate cycle cannot retroactively create legality where the contemporaneous record did not reflect it.

V. RELIEF REQUESTED

For the reasons stated above, Appellant respectfully contends that:

- the Court of General Sessions never acquired subject-matter jurisdiction;
- the April 10, 2024 plea was involuntary;
- the resulting judgment is void;
- and the derivative resisting conviction and permanent restraining order must also be vacated.

Respectfully submitted,


Russell Lewis Walker, Pro Se
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**EMERGENCY MOTION FOR LEAVE TO
FILE SUPPLEMENTAL PRO SE
SUBMISSION ADDRESSING
CONSTITUTIONAL WANT OF SUBJECT-
MATTER JURISDICTION, OR IN THE
ALTERNATIVE TO ACCEPT THE
ATTACHED SUBMISSION FOR
PRESERVATION PURPOSES**

Appellant, Russell Lewis Walker, appearing pro se, respectfully moves this Honorable Court for leave to file the attached Supplemental Pro Se Submission addressing a constitutional want of subject-matter jurisdiction and the involuntary nature of the plea entered on April 10, 2024. In the alternative, Appellant respectfully requests that the attached submission be accepted or retained for preservation purposes so that the constitutional issue is unmistakably reflected in the appellate record before disposition.

In support of this motion, Appellant states as follows:

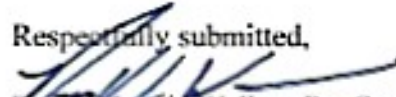
1. This appeal has now been submitted during the April 2026 term on the record and briefs, without oral argument.

2. Appellant remains represented by counsel of record because this Court denied Appellant's prior motion to relieve counsel and proceed pro se.
3. At the same time, this Court has previously returned or suspended Appellant's substantive pro se filings under *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010), on the ground that Appellant remains represented.
4. The issue presented by the attached submission is not an ordinary discretionary appellate issue. It is a constitutional want of subject-matter jurisdiction that appears on the face of the record itself.
5. Specifically, the record reflects:
 - o a timely written demand for a preliminary hearing on July 21, 2021;
 - o no preliminary hearing ever being held;
 - o an April 4, 2024 email from Assistant Solicitor Esposito stating that the indictments "will be going to the Grand Jury next week";
 - o an April 9, 2024 transcript in which defense counsel stated the case had not been indicted yet, and the court itself acknowledged that fact;
 - o the State's statement that it intended to proceed on newly prepared indictments it planned to obtain;
 - o the post-hearing seizure and overnight incarceration of Appellant following an ex parte communication; and
 - o an April 10, 2024 plea entered from custody.
6. Appellant has repeatedly directed counsel of record in writing to present this jurisdictional issue and the related involuntary-plea issue. Copies of those directives have also been transmitted to the Court and related offices for preservation purposes.
7. Because a void judgment may be challenged at any time, and because the constitutional issue is central and dispositive, Appellant respectfully seeks leave for the limited purpose of placing the attached submission before the Court prior to decision.
8. If this Court declines to accept the attached submission as a merits filing because Appellant remains represented, Appellant respectfully requests that the Court accept or retain the attached materials for preservation purposes so that the existence of the constitutional issue and Appellant's effort to present it are unmistakably documented before disposition.

WHEREFORE, Appellant respectfully requests that this Court:

- a. grant leave to file the attached Supplemental Pro Se Submission; or, in the alternative,
- b. accept or retain the attached submission for preservation purposes; and
- c. grant such other and further relief as this Court deems just and proper.

Respectfully submitted,


Russell Lewis Walker, Pro Se
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North Augusta, SC 29860

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Dated: April 3, 2026

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CERTIFICATE OF SERVICE

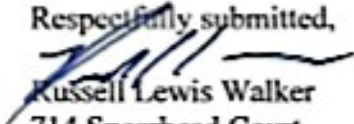
I hereby certify that on this 3rd day of April, 2026, I served a true and correct copy of the following documents by depositing the same in the United States Mail, first-class postage prepaid, addressed as follows:

1. Emergency Motion for Leave to File Supplemental Pro Se Submission Addressing Constitutional Want of Subject-Matter Jurisdiction, or in the Alternative to Accept the Attached Submission for Preservation Purposes;
2. Appellant's Supplemental Pro Se Submission Addressing Constitutional Want of Subject-Matter Jurisdiction and Involuntary Plea;
3. Table of Authorities; and
4. the supporting exhibits referenced therein.

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Respectfully submitted,



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Dated: April 3, 2026