

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

CASE DOCKET NO. 2023-001475

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APPEAL FROM LEXINGTON COUNTY  
THE COURT OF GENERAL SESSIONS

INDICTMENT NO.(S) 2022-GS-32-6146, 6147

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JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

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AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR REHEARING AND OR RECONSIDERATION ON THE APPELLANT'S DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR LEAVE TO RELIEVE COUNSEL; MOTION FOR LEAVE TO FILE BRIEF TO ARGUE AGAINST THE PRECEDENT PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 AND OR IN THE ALTERNATE MOTION TO WITHDRAW AND MOTION TO MOTION THEREFOR", SEEKING THAT IF THE COURT DO NOT RELIEVE COUNSEL AND ALLOW THE APPELLANT TO ACT PRO SE, THAT THE COURT APPOINT SUBSTITUTE CONFLICT-FREE COUNSEL THAT IS NOT COMPROMISED BY THE STATE AND SEEK THAT THE COURT RULE ON THE

JURISDICTIONAL CLAIMS PRESENTED

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TO: THE S.C. COURT OF APPEALS ET. AL.,

THE APPELLANT MOTIONS FOR A REHEARING AND OR RECONSIDERATION DUE TO FRAUD UPON THE COURT WHERE THE COURT OF APPEALS FAILED TO RULE ON ESSENTIAL ASPECTS OF THE PREVIOUSLY PLEADING AS AN ACT OF MACHINATION TO CONCEAL THE COURT'S ABUSE OF DISCRETION AND PREVENT THE APPELLANT FROM PROPERLY PRESERVING THE CLAIMS FOR ANY POTENTIAL SUBSEQUENT APPELLATE REVIEW. UNDER SOUTH CAROLINA PRACTICE, AN ORDER THAT DEPRIVES A PARTY OF A RIGHT TO COUNSEL OF THEIR CHOOSING (OR FORCES THEM TO UTILIZE COMPROMISED COUNSEL POSSESSING A "CONFLICT OF INTEREST") CAN BE A CONSIDERED A FINAL DETERMINATION OF A SUBSTANTIAL RIGHT (UNDER THE 6TH. AMENDMENT), MAKING IT IMMEDIATELY APPEALABLE UNDER THE COLLATERAL ORDER DOCTRINE.

PETITION FOR WRIT OF MANDAMUS, OUTSIDE OF PETITION FOR WRIT OF CERTIARARI, IS APPROPRIATE ALTERNATIVE TO COMPEL THE LOWER COURT TO ACT WHEN THEY HAVE FAILED TO PERFORM A NON-DISCRETIONARY MINISTERIAL FUNCTION (REMOVE THIS CONFLICT RIDDEN ATTORNEY OFF OF THIS CASE AND EITHER APPOINT SUBSTITUTE COUNSEL OR ALLOW THE APPELLANT TO ACT PRO SE), OR TO ADDRESS A USURPATION OF POWER LIKE CONCEALING FUNDAMENTAL STRUCTURAL DEFECTS IN AN INDICTMENT, OR THE FACT THAT THERE IS A SECOND ELEMENT TO SUBJECT MATTER JURISDICTION, OR MAKING USE OF THAT OLD, OUT-DATED STATE v. ROBERTS 2005 CASE TO OVERRULE A U.S. SUPREME COURT 2018 CASE ON EFFECTIVE ASSISTANCE OF COUNSEL AND THE CONSTITUTIONALLY PROTECTED RIGHT OF AUTONOMY REGARDING ATTORNEY-CLIENT RELATIONSHIP). IN EXTRAORDINARY CASES WHERE THE COURT OF APPEALS IS OBSTRUCTING JUSTICE, A DIRECT PETITION TO THE S.C. SUPREME COURT IS APPROPRIATE.

WHILE COURTS HAVE AN INHERENT DISCRETION TO DISMISS OR

DENY MOTIONS, THEY GENERALLY MUST PROVIDE THE FULL BASIS FOR THEIR DECISION, PARTICULARLY INVOLVING CONSTITUTIONAL RIGHTS, LIKE THE 6TH. AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL AND FRAUD ALLEGATIONS. A "BARE BONES" OR INCONCLUSIVE DENIAL WITHOUT ADDRESSING THE SUBSTANTIVE ALLEGATIONS OF FRAUD AND COLLUSION MUST BE SEEN AS AN ABUSE OF DISCRETION ON APPEAL. THE S.C. COURT OF APPEALS FAILED TO HOLD THE PROPER HEARING THAT COULD HAVE EASILY BEEN DONE BY SKYPE (VIDEO CONFERENCE), NOR DID THE S.C. COURT OF APPEALS ENTER FINDINGS OF FACT TO ADDRESS THE CONFLICT, COLLUSION AND FRAUD, WHICH IS REQUIRED WHEN COUNSEL FACES A "CONFLICT OF INTEREST" OR "FRAUD UPON THE COURT" IS ALLEGED, WHERE THE COUNSEL IS CONSPIRING UNDER COLOR OF STATE LAW TO PREVENT THE RULING OF SUBSTANTIAL JURISDICTIONAL ISSUES. WHERE ARE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW TO ADDRESS THESE CLAIMS? THE APPELLANT OBJECTS. THE APPELLANT MOTION FOR A REHEARING AND OR RECONSIDERATION TO ADDRESS THIS DEFICIENCY AND MANIFEST INJUSTICE, THE ALLEGATIONS OF "CONFLICT OF INTEREST" AND THE SPECIFIC ALLEGATIONS OF COLLUSION AND FRAUD UPON THE COURT. IF THE S.C. COURT OF APPEALS DENY THE MOTION FOR REHEARING AND OR RECONSIDERATION, THIS WOULD "FINALLY DECIDE" A CRITICAL ASPECT OF THE APPELLANT'S RIGHT TO FAIR REVIEW OPENING THE DOOR TO FILE PETITION FOR WRIT OF MANDAMUS AND OR IN THE ALTERNATE, PETITION FOR WRIT OF CERTIORARI TO THE S.C. SUPREME COURT.

WHEN THE COURT OF APPEALS IS ALLEGED TO BE OBSTRUCTING JUSTICE OR ACTING OUTSIDE IT'S AUTHORITY (JURISDICTION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION), FORCING THE APPELLANT TO MOVE FORWARD WITHIN AN APPEAL WITHOUT CONFLICT-FREE COUNSEL, A PARTY MAY SEEK MANDAMUS OR PETITION FOR WRIT OF CERTIORARI FROM THE S.C. SUPREME COURT. CASES THAT INVOLVE THE S.C. SUPREME COURT STEPPING IN WHEN LOWER COURTS FAIL TO ACT PROPERLY OR WHEN A DIRECT PETITION IS NECESSARY TO ADDRESS STRUCTURAL OR JURISDICTIONAL ISSUES ARE CASES LIKE STATE v. WIGFALL, 2026 WL 710006 (S.C.App.2026) (WHILE PRIMARILY A CRIMINAL APPEAL, IT DEMONSTRATES THE SUPREME COURT'S WILLINGNESS TO REVIEW WHETHER TRIAL COURTS [AND BY EXTENSION THE S.C. COURT OF APPEALS] CORRECTLY ADMITTED TESTIMONY AND ADHERED TO PROCEDURAL

STANDARDS); NATIONSTAR MORTGAGE, LLC. v. GIBBS, 2022 WL 4362405 (S.C.App.2022)(EMERGENCY PETITION FOR WRIT OF MANDAMUS OR IN ALTERNATE WRIT OF CERTIORARI FILED AGAINST CHIEF JUDGE OF THE COURT OF APPEALS, HIGHLIGHTING THE PROCEDURAL PATH OF JUDICIAL REVIEW OF SUPREME COURT'S ROLE IN CORRECTING APPELLATE LEVEL DECISIONS); STATE v. BREWER, 438 S.C. 37, 882 S.E.2d. 156 (S.C.App.2022)(A CASE THAT TRAVELED FROM THE GENERAL SESSIONS COURT, THE COURT OF APPEALS, THE S.C. SUPREME COURT, ILLUSTRATING THE FULL PATH OF JUDICIAL REVIEW AND THE S.C. SUPREME COURT'S ROLE IN CORRECTING APPELLATE LEVEL DECISIONS); BLUE RIDGE ENVIRONMENT DEFENSE v. SCDES, 447 S.C. 311, 926 S.E.2d. 243 (S.C.App.2026)(THE S.C. SUPREME COURT EXERCISED ITS AUTHORITY TO REVIEW COMPLEX LEGAL QUESTIONS HANDLED BY LOWER COURT(S)).

THE S.C. SUPREME COURT FREQUENTLY REMANDS CASES WHEN THE COURT OF APPEALS FAILS TO PROVIDE A "PROPER RECORD", FINDINGS OF FACT, OR SPECIFIC RULINGS OF LAW. WHERE ARE THESE REQUIREMENTS MET BY THE FRAUDULENTLY PRODUCED, EVASIVE, ORDER IN QUESTION, ADDRESSING ISSUES OF OBTAINING "CONFLICT-FREE COUNSEL, AND THE COLLUSION AND FRAUD UPON THE COURT ENGAGED IN BY THE ATTORNEY WORKING HAND IN HAND WITH THE S.C. ATTORNEY GENERAL'S OFFICE TO PREVENT AND OBSTRUCT RULING ON SUBSTANTIAL JURISDICTIONAL CLAIMS MADE IN THE MOTION?, I'On., LLC. v. TOWN OF MT. PLEASANT, 338 S.C. 406, 526 S.E.2d. 716 (S.C.App.2000); FISHBURN v. STATE, 427 S.C. 505, 832 S.E.2d. 584 (S.C.App.2019)(THE RULING DOES NOT CONSTITUTE A SUFFICIENT RULING ON ISSUES AND OR CLAIMS THAT DO NOT SET FORTH SPECIFIC FINDINGS OF FACT TO DEMONSTRATE "JUST AND FAIR" REVIEW). WHERE IS THE CONFLICT-FREE COUNSEL, FRAUD, COLLUSION AND CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION SPECIFIC FINDINGS AND CONCLUSIONS OF LAW? ALSO SEE RIVERS v. STATE, 2025 WL 408562 (S.C.App.2025). THE I'On CASE IS THE FOUNDATIONAL STANDARD REVIEW CASE THE S.C. SUPREME COURT USES TO REMAND LOWER COURTS DECISIONS STATING THAT THEY MUST PROVIDE A SUFFICIENT BASIS FOR THEIR DECISIONS. IT ESTABLISHES THAT AN APPELLATE COURT CAN DECIDE "NOVELTY QUESTIONS OF LAW" WITH NO DEFERENCE TO LOWER COURTS IF THE RECORD IS INSUFFICIENT); STATE v. CORLEW, S.E.Rptr., 2024 WL 4973463 (S.C.App.2024)(THIS CASE IS A RECENT EXAMPLE WHERE THE S.C. SUPREME COURT KEPT A MATTER

PENDING" OR UNDER REVIEW, OFTEN OCCURRING WHEN THE LOWER COURT'S REASONING IS UNDER SCRUTINY FOR BEING SUMMARY OR "BARE BONES", OR IN THIS CASE EVASIVE BY FRAUD UPON THE COURT); BASKIN v. WALKUP, 145 S.C. 353, 913 S.E.2d. 282 (S.C.App.2025)(ADDRESSING LOWER COURT'S HANDLING OF SPECIFIC FINDINGS, UNDERSCORING THAT THE DENIAL OF A SUBSTANTIAL RIGHT [LIKE HAVING CONFLICT-FREE COUNSEL, THE REQUIREMENT TO SUBSTITUTE THAT COUNSEL OR JURISDICTIONAL CLAIMS] REQUIRES A TRANSPARENT LEGAL BASIS).

THE APPELLANT OBJECTS TO THIS LUDICROUS CLAIM THAT THE APPELLANT DO NOT HAVE A CONSTITUTIONAL RIGHT TO ACT PRO SE ON APPEAL. THIS IS NOT THE REAL ISSUE. THE ISSUE IS THE S.C. COURT OF APPEALS CONSPIRING UNDER COLOR OF STATE LAW WITH THE STATE APPOINTED ATTORNEY AND ATTORNEY GENERAL'S OFFICE IN ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE SADDLING THE APPELLANT WITH COMPROMISED LEGAL COUNSEL WHO IS CONSPIRING UNDER COLOR OF LAW TO PROTECT THE STATE'S INTEREST IN CLEAR OPPOSITION TO THE INTEREST OF HER CLIENT IN VIOLATION OF THE 6TH. AMENDMENT. WHILE THE U.S. SUPREME COURT HAS HELD THAT THERE IS NO RIGHT TO SELF REPRESENTATION ON DIRECT APPEAL (MARTINEZ v. COURT OF APPEALS CAL.), A DEFENDANT MAINTAINS A FEDERAL CONSTITUTIONAL RIGHT TO CONFLICT-FREE COUNSEL UNDER THE DUE PROCESS CLAUSE OF THE 14TH. AND 6TH. AMENDMENTS. IF COUNSEL IS "COMPROMISED BY THE STATE", THIS CONSTITUTES AN ACTUAL CONFLICT OF INTEREST THAT UNDERMINES THE CONSTITUTIONAL GUARANTEE OF EFFECTIVE ASSISTANCE OF COUNSEL. WHERE ARE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT ADDRESS THIS CLAIM IN THIS FRAUD PRODUCED UNCONSTITUTIONALLY EVASIVE ORDER? THE U.S. SUPREME COURT HAS ESTABLISHED THAT THE RIGHT TO COUNSEL NECESSARILY INCLUDES THE RIGHT TO A LAWYER THAT IS NOT BURDENED BY A CONFLICT OF INTEREST. THE S.C. COURT OF APPEALS HAVE PRO BONO ATTORNEYS ON FILED THAT DO NOT DIRECTLY WORK FOR THE STATE OR THAT IS COMPROMISED BY THE STATE. EITHER SUBSTITUTE THIS CONFLICT RIDDEN COUNSEL WITH SOMEONE WHO IS NOT TIED DIRECTLY TO THE STATE AND WHO WILL ARGUE THE APPELLANT'S JURISDICTIONAL CLAIMS OR ALLOW THE APPELLANT TO ACT PRO SE. IF THE APPELLANT CAN DEMONSTRATE THAT AN "ACTUAL CONFLICT OF INTEREST" (AS SEEN AND ARGUED IN THE MOTION TO RELIEVE COUNSEL

PREVIOUSLY FILED) ADVERSELY AFFECTED THEIR LAWYER'S PERFORMANCE, WHICH IS DONE BY WHAT IS ARGUED WITHIN THE PREVIOUS MOTION TO RELIEVE COUNSEL, THE APPELLANT DO NOT EVEN NEED TO SHOW "PREJUDICE" (THAT THE OUTCOME WOULD HAVE CHANGED) TO OBTAIN RELIEF---IT IS OFTEN TREATED AS A "STRUCTURAL ERROR" REQUIRING AUTOMATIC REVERSAL. IF THE STATE OR COURT ACTIVELY FORCES THE APPELLANT TO ACCEPT A LAWYER THEY KNOW OR INDICATION POINT TO BEING COMPROMISED, IT WOULD BE VIEWED AS A VIOLATION OF DUE PROCESS AND WOULD BE UNCONSTITUTIONAL UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION AS IT RENDERS THE APPELLATE PROCESS FUNDAMENTALLY UNFAIR. WHERE ARE THE CONCLUSIONS OF LAW AND FINDINGS OF FACT WITHIN THE FRAUD PRODUCED EVASIVE ORDER THAT DEMONSTRATE THIS CLAIM WAS ADDRESSED?

UNDER PROFESSIONAL ETHICS AND CONSTITUTIONAL STANDARDS, WHEN AN ATTORNEY HAS A CONFLICT OF INTEREST THAT SIGNIFICANTLY IMPAIRS THEIR ABILITY TO REPRESENT A CLIENT---SUCH AS BEING COMPROMISED BY THE OPPOSING PARTY (THE STATE)---THEY HAVE A MANDATORY DUTY TO WITHDRAW, AND THE COURT HAS THE DUTY TO GRANT THE WITHDRAWAL. THERE WAS AN ALTERNATE MOTION TO WITHDRAW IF THE COURT OF APPEALS DID NOT GRANT THE MOTION TO RELIEVE COUNSEL ALSO ATTACHED. WHERE ARE THE SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THIS MOTION AS WELL?

THE APPELLANT OBJECTS TO THIS INAPPROPRIATE ABUSE OF DISCRETION AND ERROR OF LAW THAT WAS CLAIMED BY THE S.C. COURT OF APPEALS CLAIMING, "APPELLATE COUNSEL HAS NO DUTY TO RAISE EVERY NON-FRIVOLOUS ISSUE PRESENTED BY THE RECORD", CITING THAT OUT-OF-DATE STATE v. ROBERTS CASE ATTEMPTING TO USURP THE AUTHORITY OF THE UNITED STATES SUPREME COURT WHERE THE UNITED STATES SUPREME COURT BY RECENT RULING UNDER McCOY v. LOUISIANA 2018 GAVE CLARITY TO THIS ISSUE. THIS OUT-OF-DATE CASE LAW CANNOT BE PERMITTED TO OVERRIDE THE UNITED STATES SUPREME COURT REGARDING EFFECTIVE ASSISTANCE OF COUNSEL AND THE CONSTITUTIONALLY PROTECTED RIGHT OF AUTONOMY, WHICH INCLUDE RECENT CASES OUT OF THE 4TH. CIRCUIT AND U.S. SUPREME COURT REGARDING SUBJECT MATTER JURISDICTION. SUBJECT MATTER

JURISDICTION MAY BE RAISED AT ANY TIME AND MAY BE RAISED FOR THE FIRST TIME ON APPEAL, GANTT v. SELPH, 432 S.C. 333, 814 S.E.2d. 523 (S.C.App.2018); STATE v. GORDON, 2024 WL 3292568. SUBJECT MATTER JURISDICTION IS THE POWER OF THE COURT TO HEAR AND DETERMINE CASES OF A GENERAL CLASS TO WHICH THE PROCEEDINGS IN QUESTION BELONG; IN OTHER WORDS, SUBJECT MATTER JURISDICTION REFERS TO THE COURT'S CONSTITUTIONAL (ie. ARTICLE 1 § 11) OR STATUTORY (S.C. CODE ANN. §§ 17-19-10, 17-19-20, 17-19-100 WITHOUT SUBTLY AND FORCE CONSTRUCTING THOSE STATUTES ALSO IN VIOLATION OF ARTICLE 1 § 11 OF HE S.C. CONST. AND SEPARATION OF POWERS CLAUSE) POWER TO ADJUDICATE A CASE, KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362(S.C.App.2019); WILLIAMS v. JEFFCOAT, 444 S.C. 224, 906 S.E.2d. 588(S.C.App.2024). SUBJECT MATTER JURISDICTION MAY NOT BE WAIVED, EVEN BY CONSENT OF PARTIES (THIS COMPROMISED LEGAL COUNSEL OR THE S.C. COURT OF APPEALS ABUSING THEIR DISCRETION), AND SHOULD BE TAKEN NOTICE BY "BOTH" THE S.C. COURT OF APPEALS AND THE S.C. SUPREME COURT, IN RE: NOVEMBER 4, 2008 BLUFFTON TOWN COUNCIL ELECTIONS, 385 S.C. 632, 686 S.E.2d. 683(S.C.App.2009); THOMPSON v. THOMPSON, 428 S.C. 142, 833 S.E.2d. 274(S.C.App.2019)(SUBJECT MATTER JURISDICTION CANNOT BE WAIVED AND OR FORFEITED AND SHOULD BE TAKEN NOTICE BY THE APPELLATE COURT IN ITS OWN MOTION); SOUTH CAROLINA DEPT. OF SOCIAL SERVICES v. TRAN, 418 S.C. 308, 792 S.E.2d. 254 (S.C.App.2016); JACKSON v. JACKSON, 432 S.C. 415, 853 S.E.2d. 344(S.C.App.2020). THIS IS AN ISSUE DIRECTLY ATTACHED TO THE MOTION TO RELIEVE AND OR SUBSTITUTE COUNSEL SUBMITTED AS EVIDENCE IN SUPPORT OF HER FRAUD UPON THE COURT AND COLLUSION CONSPIRING UNDER COLOR OF STATE LAW TO PREVENT A LEGITIMATE CHALLENGE TO THE STATE v. GENTRY CASE OF 2005 ARGUING AGAINST THE PRECEDENT PURSUANT TO APPELLATE COURT RULE 217. WHERE ARE THE CONCLUSIONS OF LAW AND FACTS THAT DEMONSTRATE THAT THIS CLAIM WAS PROPERLY REVIEWED AND ADJUDICATED BY THE S.C. COURT OF APPEALS WHO IS APPARENTLY AIDING IN ACTS OF FRAUD UPON THE COURT, COLLUSION AND OBSTRUCTION OF JUSTICE TO CONCEAL AND THWART PROPER AND FAIR JUDICIAL REVIEW ON THESE SUBSTANTIAL JURISDICTIONAL FACTS AND CLAIMS? THESE CLAIMS ARE CLEARLY SUBMITTED AS EVIDENCE TO EXPLAIN THEIR CONSPIRATORIAL AIM. THERE ARE NO FACTUAL FINDINGS AND

CONCLUSIONS OF LAW THAT ADDRESS THESE CLAIMS VOIDING THE ORDER FOR DUE PROCESS VIOLATION UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, ESTATE OF CUNNINGHAM v. MAYOR AND CITY COUNCIL OF BALTIMORE, 128 F.4TH. 238(4th.Cir.2025)(COURT DISMISSED APPEAL BECAUSE THE LOWER COURT OVERLOOKED AND FAILED TO RESOLVE CLAIMS ON TWO ISSUES. BECAUSE JUDGMENT WAS SILENT ON THE CLAIM, IT WAS NOT A FINAL ORDER ON THE ISSUE); ESCOBAR-SALMERON v. MOYER, 150 4TH. 360(4th.Cir.2025)(SILENCE ON A CLAIM PREVENTS FINALITY. THE COURT MUST OBJECTIVELY RESOLVE ALL SUBSTANTIVE CLAIMS BEFORE A JUDGMENT IS FINAL ON AN ISSUE); LOWY v. DANIEL DEFENSE, LLC., --F.4TH.--, 2026 WL 376731 (4th.Cir.2026)(WITHOUT EXPRESSED LANGUAGE SILENCE EQUAL NON FINALITY ALL CLAIMS MUST BE ADDRESSED). THIS PLOT WAS DESIGNED TO THWART SUBSEQUENT APPELLANT REVIEW IN FRAUD AND OBSTRUCTION OF JUSTICE. THE S.C. COURT OF APPEALS CANNOT CONCEAL THE CONFLICT OF INTEREST AND FRAUD UPON THE COURT ARGUED WHICH IS AN ABUSE OF DISCRETION. THE APPELLANT OBJECTS.

RULE 220(b), SCACR: THIS RULE REQUIRES THAT THE APPELLATE COURT DECISION "STATE THE REASONS" FOR THE RESULT AND CITE THE "CONTROLLING LAW" THAT ADDRESS THE CONFLICT OF INTEREST AND JURISDICTIONAL CLAIMS MADE. WHILE THE COURT MAY ISSUE A SHORT MEMORANDUM OPINION, IT CANNOT BE SO EVASIVE AND CIRCUMVENTING ON CLEAR CLAIMS MADE THAT IT PREVENTS MEANINGFUL REVIEW BY THE S.C. SUPREME COURT.

S.C. CODE ANN. § 18-9-280 IN RELEVANT PART PROVIDE:

THE SUPREME COURT IS REQUIRED THAT "EVERY POINT MADE" AND "DISTINCTLY STATED FAIRLY ARISING UPON THE RECORD" SHALL (MANDATORY) BE CONSIDERED AND DECIDED, WITH THE REASONS STATED IN WRITING. THIS CREATES A STANDARD OF JUDICIAL ACCOUNTABILITY THAT THE S.C. SUPREME COURT OFTEN ENFORCES UPON THE COURT OF APPEALS THROUGH REMANDS. THE UNITED STATES SUPREME COURT REGARDING HICKS v. FRAME, 2026 WL 820826 W.Va.(U.S.2026) SPECIFICALLY ADDRESSED THIS MATTER ALSO REGARDING THE 4TH. CIRCUIT COURT OF APPEALS AND THE RELATED LOWER COURT CASE. THE COURTS DETERMINED: "WITHOUT

FINDINGS CONCERNING EACH OF THE PETITIONER'S CLAIMS, THE COURT IS UNABLE TO DETERMINE WHETHER THE LOWER COURT ABUSED ITS DISCRETION. WHERE WE ARE PROVIDED ONLY LEGAL CONCLUSIONS UNSUPPORTED BY SPECIFIC FACTS...REVIEWING COURT SIMPLY IS UNABLE TO DETERMINE WHETHER OR NOT THE CONCLUSION IS AN ABUSE OF DISCRETION (BY THIS FRAUDULENT CONCEALMENT UNCONSTITUTIONALLY EVASIVE ORDER). WE HAVE PREVIOUSLY STATED THAT IN CASES WHERE THERE IS AN ABSENCE OF ADEQUATE FACTUAL FINDINGS, IT IS NECESSARY TO REMAND THE MATTER TO THE LOWER COURT TO STATE, OR, AT MINIMUM, AMPLIFY ITS FINDINGS SO THAT MEANINGFUL APPELLATE REVIEW CAN OCCUR. WHERE THE LOWER TRIBUNAL...MAKES ONLY GENERAL, CONCLUSORY OR INEXACT FINDINGS OF FACT, WE MUST VACATE THE JUDGMENT AND REMAND THE CASE FOR FURTHER FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING "ALL CLAIMS MADE" (EMPHASIS ADDED), STATE v. CORLEW SUPRA.; BASKIN v. WALKUP SUPRA.; STATE v. WIGFALL SUPRA. ARTICLE 1, SECTION 14 (S.C. CONSTITUTION (GUARANTEES THE RIGHT TO BE HEARD BY COUNSEL, HIMSELF OR BOTH) AND ENSURES A FAIR APPEAL. FORCING THE APPELLANT TO MOVE FORWARD IN THIS APPEAL WITH COUNSEL THAT IS COMPROMISED BY THE STATE TO HINDER AND OBSTRUCT LEGITIMATE JURISDICTIONAL CLAIMS FROM BEING RAISED IS A DIRECT VIOLATION OF THIS CONSTITUTIONAL PROVISION, McCOY v. LOUISIANA, 584 U.S. 414 (U.S.2018)(ALTHOUGH A TRIAL LEVEL CASE, THE COURT HELD THAT A DEFENDANT HAS THE AUTONOMY TO CHOOSE THE OBJECTIVES OF HIS DEFENSE. IF COUNSEL IS "COMPROMISED" WHICH IS SUPPORTED BY THE CLAIMS IN THE INITIAL MOTION TO RELIEVE COUNSEL (EVEN BY A WELL MEANING BUT CONFLICTING STRATEGY), IT VIOLATES THE APPELLANT'S 6TH. AMENDMENT RIGHTS. THIS AUTONOMY EXTENDS TO THE APPELLATE DIRECT APPEAL STAGE REGARDING THE FUNDAMENTAL GOALS OF THE APPEAL); CHRISTESON v. ROPER, 574 U.S. 373 (U.S.2015)(THE SUPREME COURT HELD THAT A "SIGNIFICANT CONFLICT OF INTEREST" BETWEEN ATTORNEY AND CLIENT [SUCH AS WHEN THE ATTORNEY'S OWN ERRORS AND RELATIONSHIP WITH THE STATE PREVENTS THEM FROM MAKING CERTAIN ARGUMENTS] ENTITLES THE DEFENDANT TO SUBSTITUTE COUNSEL. THE COURT SPECIFICALLY NOTED THAT COUNSEL CANNOT BE EXPECTED TO ARGUE THEIR OWN INCOMPETENCE OR A "FRAUD" THAT THEY ARE PART OF); EVITTS v. LUCEY, 469 U.S. 387 (U.S.1985)(THE 14TH. AMENDMENT DUE PROCESS CLAUSE GUARANTEE THE RIGHT TO EFFECTIVE ASSISTANCE OF

COUNSEL ON A FIRST APPEAL OF RIGHT. EFFECTIVENESS IS LEGALLY IMPOSSIBLE IF COUNSEL IS BURDENED BY AN ACTUAL CONFLICT OF INTEREST); UNITED STATES v. LATHROP, 634 F.3d. 831 (7TH.Cir.)(THE COURT EMPHASIZED THAT WHEN A "TOTAL BREAKDOWN IN COMMUNICATION" OR "A CONFLICT OF INTEREST" OCCURS, THE COURT MUST GRANT A MOTION TO SUBSTITUTE COUNSEL. FORCING THE APPELLANT TO PROCEED WITH SUCH COMPROMISED LEGAL COUNSEL IS STRUCTURAL ERROR.); CHISTENSON v. KNIGHT, 139 S.Ct. 2740 (U.S.2019)[IN FOLLOW-UP TO CHISTENSON v. ROPER, 135 S.Ct. 891 (U.S.2015)], (THE COURT REAFFIRMED THAT A CONFLICT EXIST WHEN AN ATTORNEY'S INTEREST ARE "DIAMETRICALLY OPPOSED" TO THE CLIENT'S---SUCH AS WHEN A CLIENT SEEKS TO RAISE A CLAIM THAT WOULD IMPLICATE THE ATTORNEY IN PROFESSIONAL MISCONDUCT OR FRAUD). THE APPELLANT MOTIONS FOR A REHEARING AND OR RECONSIDERATION ON THE MOTION TO RELIEVE COUNSEL AND EITHER APPOINT SUBSTITUTE PRO BONO COUNSEL WITH NO TIES OR CONFLICTS REGARDING THE STATE WHO WILL ARGUE THE APPELLANT'S JURISDICTIONAL CLAIMS OR ALLOW THE APPELLANT TO ACT PRO SE. IF THE COURT REFUSES TO GRANT THE APPELLANT'S MOTION TO ACT PRO SE? THE COURT IS REQUIRED TO SUBSTITUTE COUNSEL WITH ANOTHER COUNSEL WHOSE INTEREST ARE NOT IN LINE WITH THE STATE BUT IN HARMONY WITH THE APPELLANT AND THAT COUNSEL BE REQUIRED TO ARGUE THE JURISDICTIONAL CLAIMS PRESENTED BY THE APPELLANT'S CONSTITUTIONALLY PROTECTED RIGHT OF AUTONOMY. JUDICIAL HOLDINGS UNDER TAYLOR v. WILLIAMS, 2021 WL 5417664 (DSC.2021) DEMONSTRATE THAT THE ISSUES ARE PROPERLY PRESERVED BY THE FILING OF THIS MOTION FOR REHEARING AND OR RECONSIDERATION.

PURSUANT TO S.C. CODE ANN. § 14-3-330, APPELLATE JURISDICTION IN LAW CASES PROVIDE:

THE SUPREME COURT SHALL HAVE APPELLATE JURISDICTION FOR CORRECTION OF ERRORS OF LAW IN CASE, AND SHALL REVIEW UPON APPEAL....

(3) A FINAL ORDER AFFECTING A SUBSTANTIAL RIGHT MADE IN ANY SPECIAL PROCEEDING OR UPON A SUMMARY APPLICATION IN ANY ACTION AFTER JUDGMENT. AN ORDER "INVOLVES THE MERITS" AS THE

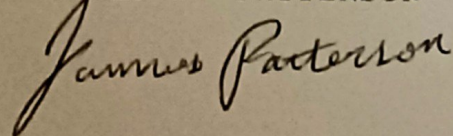
TERM IS USED IN THE STATUTE OUTLINING APPELLATE JURISDICTION IN  
LAW CASES, AND IS IMMEDIATELY APPEALABLE WHEN IT FINALLY  
DETERMINES SOME SUBSTANTIAL MATTER, LIKE THE APPELLANT'S 6TH.  
AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL FORMING THE WHOLE OR  
PART OF SOME CAUSE OF ACTION OR DEFENSE (ie. SUBJECT MATTER  
JURISDICTION), BOUHAROUN v. BOUHAROUN, 2026 WL 523826, \* 1  
S.C.App.2026); STONE v. THOMPSON, 426 S.C. 291, 826 S.E.2d.  
868(S.C.App.2019).

THE APPELLANT MOTIONS FOR A REHEARING AND OR  
RECONSIDERATION AND SEEK THAT THE COURT OF APPEALS RULE ON IF A  
CONFLICT OF INTEREST REGARDING THE APPOINTED ATTORNEY IS STATED  
AND JUSTIFIED BY THAT WHICH IS ARGUED IN THE PREVIOUS FILED  
MOTION TO RELIEVE COUNSEL; RULE ON THE APPOINTMENT OF SUBSTITUTE  
COUNSEL IF THE COURT IN ACTS OF RETALIATION AND OBSTRUCTION OF  
JUSTICE WOULD NOT PERMIT THE APPELLANT TO BE PRO SE; RULE IN  
FULLNESS IF THE JURISDICTIONAL CLAIM INTENDED TO BE ARGUED UNDER  
RULE 217 THAT IS SUBJECT TO THE CAUSE OF FRAUD UPON THE COURT  
REGARDING THE CONFLICT OF INTEREST THE ATTORNEY BEING COMPROMISED  
BY THE STATE WOULD REQUIRE REMOVAL; AND RULE IF THE  
JURISDICTIONAL CLAIMS MAY BE RAISED FOR THE FIRST TIME ON DIRECT  
APPEAL REQUIRING ANY APPOINTED ATTORNEY TO ARGUE THE CLAIM SINCE  
BY THE COURT'S OWN LANGUAGE AND DETERMINATION IN THE ORDER, THE  
CLAIM IS ADJUDICATED AS A "NON-FRIVOLOUS" CLAIM. IF THE COURT OF  
APPEALS IN ITS ORDER MADE USE OF THAT OLD OUT-DATED 2005 CASE  
MAKING REFERENCE TO "ID AT 589, 614 S.E.2d. AT 629", THOUGH McCOY  
v. LOUISIANA 2018 SUPERSEDE THIS OLD CITED CASE. THE COURT OF  
APPEALS IS NOW REQUIRED TO PRODUCE SPECIFIC FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AS TO WHY THE ROBERTS CASE SUPERSEDE THE U.S.  
SUPREME COURT McCOY CASE AND WHAT MAKES THE APPELLANT'S  
JURISDICTIONAL CLAIM "NON-FRIVOLOUS" THAT WAS ARGUED IN THE  
INITIAL MOTION TO RELIEVE COUNSEL. IT IS NOT "REASONABLE TO  
PROFESSIONAL JUDGMENT" FOR THE ATTORNEY TO CONSPIRE UNDER COLOR  
OF STATE LAW WITH THE S.C. COURT OF APPEALS AND THE S.C. ATTORNEY  
GENERAL'S OFFICE TO UNLAWFULLY WAIVE LEGITIMATE JURISDICTIONAL  
CLAIMS, ESPECIALLY SINCE THE COURT OF APPEALS BY THIS CURRENT  
EVASIVE ORDER HAS NOW RULED THAT THE ISSUE IS A "NON-FRIVOLOUS"

CLAIM IN NATURE AND CONSTRUCTION. A VIOLATION OF AUTONOMY WHERE THE McCOY v. LOUISIANA CASE IS EXTENDED TO DIRECT APPEALS, IS COMPLETE WHEN THE COURT ALLOWS COUNSEL OR THE COURT ITSELF, TO USURP CONTROL OF AN ISSUE WITHIN THE APPELLANT'S SOLE PREROGATIVE, SUCH AS WHAT "NON-FRIVOLOUS JURISDICTIONAL ISSUES" HE INTENDS TO BRING BEFORE THIS COURT, WHEN PRESENT, SUCH AN ERROR IS NOT SUBJECT TO HARMLESS ERROR REVIEW. ANY ASSIGNED ATTORNEY IS REQUIRED TO BRING THE APPELLANT'S LEGITIMATE "NON-FRIVOLOUS" JURISDICTIONAL CLAIMS BEFORE THE COURT. AS ADJUDICATED BY THE UNITED STATES SUPREME COURT IN THE McCOY CASE OF 2018, THE RIGHT TO DEFEND IS PERSONAL, NOT THE S.C. COURT OF APPEALS LUDICROUS ASSERTION, THAT THIS COMPROMISED STATE APPOINTED COUNSEL HAS NO DUTY TO RAISE THE APPELLANT'S "NON-FRIVOLOUS" ISSUES AND MUST BE ALLOWED TO EXERCISE REASONABLE PROFESSIONAL JUDGMENT, AND THAT "PERSONAL" RIGHT MUST BE HONORED WHICH IS THE LIFE BLOOD OF LAW. AN ATTORNEY, NO MATTER HOW MUCH AN EXPERT, IS STILL AN "ASSISTANT" (AS IN EFFECTIVE ASSISTANCE OF COUNSEL) AND THIS "ASSISTANT" IN VIOLATION OF THE APPELLANT'S CONSTITUTIONAL RIGHT OF AUTONOMY CANNOT BE PERMITTED TO WAIVE OR FAIL TO RAISE LEGITIMATE "NON-FRIVOLOUS" JURISDICTIONAL ISSUES. THE COURT IS REQUIRED TO PRODUCE SPECIFIC FINDINGS OF FACT AND CONCLUSION OF LAW DEMONSTRATING PROPER RULING WAS MADE ON ALL CLAIMS PRESENTED REGARDING THIS CONFLICT RIDDEN STATE APPOINTED LEGAL COUNSEL. THE APPELLANT OBJECTS, McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821, 86 U.S.L.W. 4271 (U.S.2018); MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); WILLIAMS v. UNITED STATES, 2018 WL 4656231 (D.Conn.2018); UNITED STATES v. COBBLE, 2018 WL 4283063 (M.D.Ga.2018).

RESPECTFULLY,

JAMES J. PATTERSON



APRIL 10, 2026

14-of-14

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Apr 09 2026**

**SC Court of Appeals**

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CASE DOCKET NO. 2023-001475

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APPEAL FROM LEXINGTON COUNTY  
THE COURT OF GENERAL SESSIONS

INDICTMENT NO.(S) 2022-GS-32-6146, 6147

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JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

---

**AFFIDAVIT OF SERVICE**

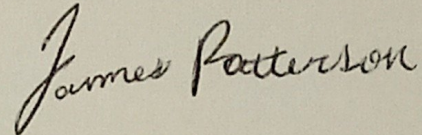
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I, JAMES JOSEPH PATTERSON III, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR REHEARING AND OR RECONSIDERATION ON THE APPELLANT'S DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR LEAVE TO RELIEVE COUNSEL; MOTION FOR LEAVE TO FILE BRIEF TO ARGUE AGAINST THE PRECEDENT PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 AND OR IN THE ALTERNATIVE

MOTION TO WITHDRAW AND MOTION TO MOTION THEREFOR", SEEKING THAT IF THE COURT DO NOT RELIEVE COUNSEL AND ALLOW THE APPELLANT TO ACT PRO SE, THAT THE COURT APPOINT SUBSTITUTE CONFLICT-FREE COUNSEL THAT IS NOT COMPROMISED BY THE STATE AND SEEK THAT THE COURT RULE ON THE JURISDICTIONAL CLAIMS PRESENTED, ON THE S.C. COURT OF APPEALS P.O. BOX 11629 COLUMBIA, S.C. 29211, THE S.C. ATTORNEY GENERAL P.O. BOX 11549 COLUMBIA, S.C. 29221, THE S.C. OFFICE OF INDIGENT DEFENSE 1330 LADY STREET SUITE 401 COLUMBIA, S.C. 29201, BY U.S. MAIL POSTAGE PREPAID BY PDF OR PLACING IT IN THE INSTITUTION MAILBOX ON APRIL 10, 2026.

RESPECTFULLY,

JAMES J. PATTERSON

A handwritten signature in cursive script that reads "James Patterson". The signature is written in dark ink and is positioned below the typed name.

APRIL 10, 2026

RECEIVED

Apr 09 2026

SC Court of Appeals

JAMES JOSEPH PATTERSON III  
#368709 F3B. RM. 230  
EVANS C.I. 610 HWY. 9 WEST  
BENNETTSVILLE, S.C. 29512

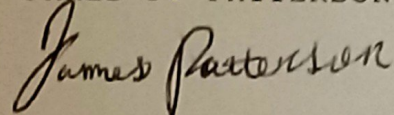
IN RE: FILING A MOTION FOR REHEARING AND OR RECONSIDERATION ON  
THE MOTION TO RELIEVE COUNSEL AND THE COURT EITHER APPOINT  
SUBSTITUTE COUNSEL OR ALLOW THE APPELLANT TO ACT PRO SE IN CASE  
2023-001474.

TO: THE S.C. COURT OF APPEALS,

ATTACHED THE COURT WILL FIND A PLEADING SEEKING  
REHEARING AND OR RECONSIDERATION ON THE PREVIOUS FILED MOTION TO  
RELIEVE COUNSEL BECAUSE BASED UPON THE LITIGATION PRESENTED  
WITHIN THIS ATTACHED DOCUMENT THAT ORDER CANNOT IN FUNDAMENTAL  
FAIRNESS TO THE APPELLANT BE DEEMED A FINAL ORDER IN CASE  
2023-001475. PLEASE FILE THE DOCUMENT WITHIN THE CASE CAPTIONED.  
I THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,

JAMES J. PATTERSON



APRIL 10, 2026