

STATE OF SOUTH CAROLINA

County of Charleston

Jerome Curry

VS.

STATE OF SOUTH CAROLINA

1.

IN THE SUPREME COURT OF SOUTH CAROLINA

IN THE STATE OF SOUTH CAROLINA

Warrant no(s) 2026A1010700121-0129

Warrant/citation # W-10-26-0060

Indictment # 21-65-10-04573

Notice of Appeal & motion to strike Judge

ment Entered By Magistrate Judge On

June 15, 2026, At Preliminary Hearing Based

upon Abuse of discretion & Error of LAW.

NOTICE OF APPEAL

NOW comes the defendant with this above entitled notice of appeal towards the judgment that was entered by the magistrate judge on June 15, 2026, Based upon abuse of [redacted] discretion, error of law and denial of fairness, equal protection of the laws, 14th Amendment, Federal & State Due Process violations. The defendant states that he has been denied the to cross-examine the arresting officer that was at preliminary hearing yet state and court allowed to cross examine defendant

NOTICE OF APPEAL

The officer that gave testimony was allowed to commit perjury while under oath before the judge many times that I lost count. Defendant was not allowed to enter evidence or cross examine officer correctly. Further officer never provide evidence only sham false made under oath based upon perjury was allowed as truth and fact no matter if it was true and while this same officer made perjury statements through out this entire hearing. I move so here with this notice of appeal on behalf of defendant,

RECEIVED

JUN 23 2026

S.C. SUPREME COURT

STATEMENT OF FACTS

Furthermore pursuant to Rules of Judicial Conduct Canon 1: It states in part that a Judge shall uphold the integrity and independence of the judiciary. Further stating that a Judge shall participate in establishing, maintaining and enforcing high standards of Conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.

Rule 501 SCACR Code of Jud. Conduct Canon 3 states that: A Judge shall perform the duties of judicial office impartially and Diligently. A Judge shall be faithful to the law and maintain professional competence in it, A Judge shall not be swayed by partisan interests, public clamor or fear of criticism. Further the rules states that:

STATEMENT OF FACTS

A Judge shall perform judicial duties without bias or prejudice, A Judge shall not, in the performance of judicial duties by words or conduct manifest, bias or prejudice including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability or age and shall not permit staff, court officials and others subject to the Judges direction and control to do so.

STATEMENT OF FACTS

Further A Judge must not independently investigate facts in a case and must consider only the evidence presented. Furthermore according in the case of In re Richland County Magistrate's Court 389 SC 408 states in part. A prosecutor must see that no conviction takes place except in strict conformity with the laws, and that the accused is not deprived of any Constitutional rights or privileges; see also, State v. Rayfield 369 SC 106 states that: A solicitor is an officer of the court who represents all the people, including the accused and he or she occupies a quasi-judicial position in which should be preserved.

STATEMENT OF FACTS

In the case of Quattlebaum 338 SC 441 states that: A prosecutor has a special responsibility to do justice and is held to the highest standards of professional ethics Appellate Court rule 409, Rules of Prof. Conduct, Rule 3.8 Iowa which further states that a prosecutor must refrain from prosecuting a case that is known to lack probable cause; See also: State v. Davis 239 SC 280 in which states that: while a solicitor should prosecute vigorously he or she must prosecute fairly, for concern of state, whose representative he is not that defendant shall be convicted but that justice shall be done, According to the Black's Law Dictionary (2nd ed 2024)

STATEMENT OF FACTS

It states that conflict of interest = is a real or seeming incompatibility between two interests that one possesses or is obligated to serve when one of those interests might benefit the person to whom both are entrusted, A conflict arises when an official may benefit personally from a decision made in an official capacity whenever a public servant has a private interest in an industry or business there is a

STATEMENT OF FACTS

Possibility of conflicting interests if the private interest is involved, Furthermore the law states that a person who is incompetent/mentally ill as the law states at time he or she is arrested for an act that would be otherwise criminal is not criminally accountable for such act and will not be convicted or punished for it See: American Jurisprudence Section 43

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STATEMENT OF FACTS

Furthermore pursuant to American Jurisprudence Second Edition Section 83 states that 'A criminal defendant who is by legal standards not competent to stand trial has a right not to be placed on trial further pursuant to the US Constitution under both Due Process Clause of the Fourteenth Amendment and state laws prohibits the state from convicting a criminal while mentally incompetent regardless of whether that person is tried while represented by counsel or while acting pro se. Every defendant has a substantive fundamental right under the Due Process clause to not be tried or convicted while incompetent. Furthermore the defendant moves on before this court herein with case in-

STATEMENT OF FACTS

accordance with preliminary hearing see: South Carolina Jurisprudence Section 27 definition in which states: That a preliminary examination is a hearing to determine if probable cause is present see also: South Carolina Jurisprudence Section 31 in which states that the purpose of a preliminary examination is to determine if the state can show that there is probable cause to believe that the defendant committed the crime with which he has been charged and to warrant the defendant's subsequent trial

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According to the American Jurisprudence Second Edition Section 26B it states in part that: A preliminary hearing is required to be conducted by a certified impartial judge, The accused may cross-examine witnesses who testify at the preliminary hearing and present additional evidence in defense relevant to the limited purposes of the hearing, Furthermore according to the American Jurisprudence Second Edition Section 51B states that: The purpose of a preliminary hearing are to protect the accused from forfeiting his or her liberty in case there is no probable cause for believing that he or she is guilty of the crime and to relieve the defendant from the expense and

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STATEMENT OF FACTS

Ignominy of a prosecution where the known facts do not justify a trial. In the case of State v Weeks 185 SC 277 it states in part that in criminal prosecution defendant must be given benefit of doubt, State v Paulk 185 SC 514 states that: The state must prove all essential elements of crime.

Lilienthal's Tabacco v. US 27 US 237
- States in part that: Burden of proof in criminal case never shifts. Furthermore according to American Jurisprudence Second Edition Section 517 states that: The United States Supreme Court has held that the states must provide a fair and reliable determination of probable cause as a condition of any significant pretrial restraint of probable liberty. Thus a person arrested without a warrant must promptly be brought before a neutral

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- Magistrate for a judicial determination of probable cause, Furthermore pursuant to American Jurisprudence Second Edition Section 268 it states that: A preliminary hearing is required to be conducted by a certified impartial judge. The accused may present evidence. American Jurisprudence Second Edition Section 520 states that: A preliminary hearing examination must be held without any unreasonable delay further stating that when an arrested individual does not receive a probable-cause determination within time required the arrested individual does not bear the burden of

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Proving unreasonable delay rather the burden shifts to the state to demonstrate the existence of a bona fide emergency or other extraordinary circumstances. A magistrate who adjourns a preliminary hearing for more than the time period allowed without the consent of the defendant loses jurisdiction further stating that a defendant's constitutional right to a speedy preliminary hearing is not infringed.

STATEMENT OF FACTS

According to the United States Supreme Court case of *Gerstein v. Pugh* 420 US 103 stated that in *Shadwick v. City of Tampa* 407 US 345 (1972) probable cause for the issuance of an arrest warrant must be determined by someone independent of police and prosecution see also *United States v. United States District Court* 407 US 297 further stating that the awful instruments of the criminal law cannot be entrusted to a single functionary. Furthermore pursuant to American Jurisprudence Second Edition Section 406 states that: Prosecutorial misconduct has been defined as a prosecutor's improper or illegal act involving an attempt to pervert the jury or judge to wrongly convict a defendant or assess an unjustified punishment.

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Furthermore according to American Jurisprudence Second Edition it states that: Although the state is obligated to prosecute with earnestness and vigor it is as much its duty to refrain from improper methods calculated to produce a wrongful conviction, as it is to use every legitimate means to bring about a just one. The prosecutor's conduct and language in the trial of cases in which human life or liberty is at stake should be forceful but fair because the prosecutor represents the public interest which demands no victims and asks no conviction through the aid of

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passion, prejudice or resentment if the defendant is guilty he or she should be convicted only after a fair trial conducted strictly according to the sound and well established rules which the laws prescribe. Furthermore pursuant to *State v. Bellardino* 429 SC 563 it stated that conviction of an accused who is legally incompetent violates due process and state must be adequate to protect this right US Const. Amend

STATEMENT OF FACTS

Furthermore according to Ramirez v State 413 SC 351 in which states that due process prohibits the conviction of an incompetent defendant and that right may not be waived by a guilty plea USCA Const. Amend 14. See also Cee v State 326 SC 314, State v. Colden 372 SC 428, Hall v Catoe 360 SC 353, Matthews v State 358 SC 456, McLaughlin v State 352 SC 476, State v. Singleton 322 SC 400, In Interest of Antonio H. 319 SC 395, and Jeter v. State 308 SC 230. According to SCRCAMP Rule 2 Preliminary Hearings (b) Time for Hearing states in part that IF the defendant request a preliminary hearing the hearing shall be held within ten days following the request, According to American Jurisprudence Second Edition Section 1003 it states in part that Due process entitles a person

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To a fact finding based on the record produced before a decision maker it also requires that the decision maker actually consider the evidence and the argument that the party presents. Due process is ordinarily absent if a party is deprived of his or her property or liberty without evidence having been offered against him or her in accordance with established rules. Further under Due Process clause of the Constitution State and Federal an opportunity to submit evidence to rebut charges

STATEMENT OF FACTS

on adverse claims and testimony is an essential requirement of a full and fair hearing there is a clearly established constitutional due process right not to be subject to criminal charges on basis of false evidence that was [redacted] deliberately fabricated by the state. Fabrication of evidence constitutes a violation of the right to a fair trial under the due process clause of the fifth, sixth, and fourteenth Amendments. The Due Process clause of the 14th Amendment also forbids fundamental unfairness in the use of evidence whether true or false.

STATEMENT OF FACTS

Pursuant to American Jurisprudence Second Edition section 622 it states in part that: A police line up is unduly suggestive if it steers the witness to one suspect. American Jurisprudence Second Edition section 907 states that the US Supreme Court has expressed strong disapproval of the practice of showing suspects singly rather than as part of a line up to persons for the purpose of identification, State v Davis 400 SC 50 states that single person show up are particularly disfavored in the law, State v Starks 410 SC 580 states that the trial court determination that the one man show up identification procedure was not suggestive was clearly erroneous see also: State v. Frazer 394 SC 213, State v Brown 356 SC 496, State v. Moore 343 SC 282,

STATEMENT OF FACTS

State v. Johnson 311 SC 132, United States v. Wade the Supreme Court held that the Sixth Amendment right to counsel attaches to critical stages of pretrial procedures in connections to suggestive pretrial line-up, show-ups, which would lead to the conviction of innocent persons defendant has right to counsel to guard against suggestive one-on-one show up procedures and enables counsel to reconstruct and challenge those procedures Moore v. Illinois State defendant has a right to counsel during identification procedure, including one-on-one identifications.

STATEMENT OF FACTS

Thus also violates defendant's right to due process see Stovall v. Denno, U.S. v. Wade 388 US 218, Furthermore pursuant to Beck v. State of Ohio 85 S.Ct 223 when constitutional validity of arrest without warrant was challenged it was incumbent on prosecutor to show ~~mere~~ specificity than ~~mere~~ fact that someone told police officers something about defendant, ~~mere~~ if any actually said to police officers making arrest without warrant and why officers making arrest without warrant and why officers thought information was credible

[REDACTED] 9

STATEMENT OF FACTS

Further stating that good faith on part of arresting officer is not sufficient to withstand attack on constitutional validity of arrest without a warrant in the case of Beck v. State of Ohio 85 S.Ct 223 it stated that: police officers knowledge of defendant's physical appearance and his prior record was neither [REDACTED] admissible nor entirely irrelevant to issue of probable cause for his arrest but these two factors alone or in combination were insufficient to constitute probable cause USCA Const. Amend. 4, 14, See also Terry v. Ohio 88 S.Ct 1868 in which states in part that: The police must whenever practicable obtain advance judicial approval of searches and seizures through the warrant procedure See: Katz v. United States 378

STATEMENT OF FACTS

US 347, Beck v. State of Ohio 379 US 89, further stating that [REDACTED] Intrusions upon constitutionally guaranteed rights must be based on more than [REDACTED] unarticulate hunches and simple good faith on part of officer is not enough, Furthermore the fourth amendment protects not places but people. he is entitled to be free from governmental intrusion. Furthermore pursuant to Terry v. Ohio 88 S.Ct 1868 states that: no right is held more sacred or is more

STATEMENT OF FACTS

Carefully guarded by the common law than the right of every individual to the possession and control of his own person free from all restraint or interference of others unless by clear and unquestionable authority of law. The fourth amendment has been recognized as a principal mode of discouraging lawless police conduct.

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The due process requirement further states that the accused must be duly advised of the nature and cause of the accusation and have a fair opportunity to defend against it. Further stating that it is a fundamental matter of due process that the defendant in criminal case be afforded a meaningful opportunity to present evidence due process and complete defense which includes the right to present evidence due process is denied when denied the right to present a defense. The Constitution further states that no warrant shall issue but upon probable cause support by oath or affirmation a warrant affidavit must set forth particular facts and circumstances underlying the existence of probable cause so as to allow the magistrate to make an independent evaluation of the matter. Further under due process clause of the Constitution an opportunity to submit evidence to rebut

STATEMENT OF FACTS

charges or adverse claims and testimony is an essential requirement of a full and fair hearing; under due process it also states that there is a clearly established constitutional due process right not to be subject to criminal charges on basis of false evidence that was deliberately fabricated by the state or prosecution. Fabrication of evidence in which constitutes a violation of the right to a fair trial. under the Due Process clause of the fifth, sixth, & Fourteenth Amendments. The Due Process clause

STATEMENT OF FACTS

Of the 14th Amendment also forbids fundamental unfairness in the use of evidence true or false. Furthermore the fourth amendment protects individuals legitimate expectations of privacy by requiring that probable cause exist before a law enforcement officer under takes arrest and search or seizure. Further stating that a warrantless arrest may be made after police have established probable cause to believe that the detainee has committed a crime not before finding of probable cause in which officers cannot arrest then later find grounds for probable cause that would be unconstitutional. Further stating that when using information from an source to

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establish probable cause the police must first ensure its reliability. Furthermore pursuant to US Supreme Court case of Terry v Ohio 88 S.Ct 1868 it states in part that: Intrusions upon constitutionally guaranteed rights based on more than inarticulate hunches and simple good faith on part of officers is not enough further stating that the fourth amendment protects people not places he is entitled to be free from governmental intrusion. Further stating that no right is held more sacred or is more carefully guarded by the common law than the right of every individual to the possession and control of his own person free from all restraints or interference of others unless by clear and unquestionable authority of law, the fourth amendment has been recognized as a principal mode of discouraging lawless police conduct see: Weeks v. United States 232 US 383, Linkletter v. Walker 381 US 618,

STATEMENT OF FACTS

In the case of Terry v Ohio 88 S.Ct 1868 it states that: Courts which sit under our constitution cannot and will not be made party to lawless invasions of the constitutional rights of citizens by permitting unhindered governmental use of such invasions. Further stating that the US Supreme court has held that a search which is reasonable at its inception may violate the fourth amendment by virtue of its intolerable intensity and scope. *Leven v. United States* 353 US 346 The scope of the search must be strictly

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tried to and justified by the circumstances which rendered its initiation permissible. Furthermore stating: In justifying intrusion the police officer must be able to point to specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant that intrusion. In the US Supreme Court case of *Beck v. State of Ohio* 85 S.Ct 223 the Supreme Court stated that: Police officers knowledge of defendant's physical appearance and his prior record was neither inadmissible nor entirely irrelevant to issue of probable cause for his arrest but these two factors alone or in combination were insufficient to constitute probable cause
U.S.C.A. Const Amend 4. 14

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Furthermore pursuant to Rules of Judicial Conduct Canon 1: It states in part that a Judge shall uphold the integrity and independence of the judiciary. Further stating that a Judge shall participate in establishing, maintaining and enforcing high standards of Conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.

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In the case of Quattlebaum 3385C441 states that: A prosecutor has a special responsibility to do justice and is held to the highest standards of professional ethics Appellate Court Rule 407, Rules of Prof. Conduct. Rule 3.8 In which further states that a prosecutor must refrain from prosecuting a case that is known to lack probable cause; See also: State v. Davis 2345C280 in which states that: while a solicitor should prosecute vigorously he or she must prosecute fairly, for concern of state, whose representative he is not that defendant shall be convicted but that justice shall be done, According to the Black's Law Dictionary (2th ed 2024)

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It states that conflict of interest = is a real or seeming incompatibility between two interests that one possesses or is obligated to serve when one of those interests might benefit the person to whom both are entrusted, A conflict arises when an official may benefit personally from a decision made in an official capacity whenever a public servant has a private interest in an industry or business there is a

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Possibility of conflicting interests if the private interest is involved, Furthermore the law states that a person who is incompetent/mentally ill as the law states at time he or she is arrested for an act that would be otherwise criminal is not criminally accountable for such act and will not be convicted or punished for it See: American Jurisprudence Section 43

STATEMENT OF FACTS

The defendant states that according to State v. Garrard 700 SE2d 209 (2010) States that: The court has a showing of a consciousness of wrong doing in order to prove willfulness the supreme court define a willful act as one voluntarily and intentionally with the specific intent to do something the law requires to be done see: Blacks Law Dictionary defines willful as proceeding from a conscious motion of the will; voluntary intending the result which actually comes to pass designed intentional not accidental involuntary, these general definitions are appropriate to use in construing the term willfully in section 24-21-560 (C) (5), see also State v. Spare 647 SE2d 706. In the context of an alleged violation of probation the spare

STATEMENT OF FACTS

Court [redacted] explained the requirements for proving willfulness to establish a violation for failure to pay money decision of whether violation was will for decision to revoke community supervision state must prove willful violation, Furthermore in the case of State v. Picklesimer 695 SE2d 845 (2010) states that: the total amount of time an inmate can be incarcerated after a CSP revocation is the length the remaining balance of the sentence for the no parole offense original sentence suspended portion in which was imposed by judge and cannot revoke and imposed sentence pass original sentence that was imposed by sentencing judge The defendant states

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That he was sentence to 95% with 526 days time served start date at May 13, 2020, defendant max this sentence out on December 1, 2025, the defendant served more than 85% of sentence still released on community supervision to 2 yrs now with Dept of probation & parole moving to have probation revoked in which is invalid further by May 13, 2026, the defendant would have serve 100% of time entire 95% sentence and not 85% on no parole offense in which this conviction further is still pending on PCR case # 2022-CP-10-2012 with a hearing held still without judgment entered PCR judge stated at least and 8th PCR hearing that he has never seen any defendant serve 100% of their time sentence imposed with 2 yrs community supervision this unconstitutional the defendant must [redacted] parole revoked he has serve entire sentence

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The defendant further states that while he was in hospital bed handoff to bed arms and legs arresting officers took a picture of the defendant and presented it to the victims (which was never stated if single photo show up identification was presented to these victims one by one without them together or while they were not together never stated. Further without counsel present to make sure such identification was not [redacted] suggestive (which the supreme court has ruled that single photo show-up and one-on-one show-up identification violates due process further is suggestive unlawful and unconstitutional) no six person line up was conduct this

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[redacted] Identification should be suppressed and further not held reliable due to it being suggestive. Furthermore according to State v. Spore 647 SE2d 706 (2007) failure to make a bona fide effort to [redacted] pay probation and parole is a matter of grace the probationer is entitled to fair treatment and is not to be made the victim of whim or caprice the court has ruled that probation may not be revoked solely for failure to make required payments and fines or restitution without determining on the record that the probationer has failed to make a bona fide effort to pay

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Hamilton 333 SC at 649. Therefore in those cases involving the failure to pay fines or restitution the circuit judge must in addition to finding sufficient factual evidence of the violation make additional finding of willfulness conscious and intentional failure. People v. Davis, State v. Small [redacted] 370 SC 330 (2006) states that: A will act is defined as one done voluntarily and intentionally with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done that is to say with bad purpose either to disobey or disregard the law.

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Furthermore pursuant to American Jurisprudence Second Edition Section 83 states that 'A criminal defendant who is by legal standards not competent to stand trial has a right not to be placed on trial further pursuant to the US constitution under both Due Process Clause of the fourteenth amendment and state laws prohibits the state from convicting a criminal while mentally incompetent regardless of whether that person is tried while represented by counsel or while acting pro se Every defendant has a substantive fundamental right under the due process clause to not be tried or convicted while incompetent. Furthermore the defendant moved on before this court herein with case in-

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accordance with preliminary hearing see: South Carolina Jurisprudence section 27 definition in which states: That a preliminary examination is a hearing to determine if probable cause is present see also: South Carolina Jurisprudence section 31 in which states that the purpose of a preliminary examination is to determine if the state can show that there is probable cause to believe that the defendant committed the crime with which he has been charged and to warrant the defendant's subsequent trial

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According to the American Jurisprudence Second Edition section 268 it states in part that: A preliminary hearing is required to be conducted by a certified impartial judge, The accused may cross-examine witnesses who testify at the preliminary hearing and present additional evidence in defense relevant to the limited purposes of the hearing, Furthermore according to the American Jurisprudence Second Edition section 518 states that: The purpose of a preliminary hearing are to protect the accused from forfeiting his or her liberty in case there is no probable cause for believing that he or she is guilty of the crime and to relieve the defendant from the expense and

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Ignominy of a prosecution where the known facts do not justify a trial. In the case of *State v Weeks* 185 SC 277 it states in part that in criminal prosecution defendant must be given benefit of doubt, *State v Pavlic* 185 SC 514 states that: The state must prove all essential elements of crime ██████████ *Lilienthal's Tobacco v. US* 97 US 237 states in part that: Burden of proof in criminal case never shifts. Furthermore according to American Jurisprudence Second Edition Section 517 states that: The United States Supreme Court has held that the states must provide a fair and reliable determination of probable cause as a condition of any ██████████ significant pretrial restraint of probable liberty. Thus a person arrested without a warrant must promptly be brought before a neutral

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Furthermore according to Ramirez v. State 413 SC 351 (which states that due process prohibits the conviction of an incompetent defendant and this right may not be waived by a guilty plea. USCA Const. Amend 14. See also Cee v. State 396 SC 314, State v. Colden 372 SC 428, Hall v. Catoe 360 SC 353, Matthews v. State 358 SC 456, McLaughlin v. State 352 SC 476, State v. Singleton 322 SC 400, In Interest of Antonio H. 319 SC 395, and Jeter v. State 308 SC 230; According to SCRCrump Rule 2 Preliminary Hearings (b) Time for Hearing states in part that If the defendant request a preliminary hearing the hearing shall be held within ten days following the request, According to American Jurisprudence Second Edition Section 1003 it states in part that Due process entitles a person

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 A police line up is unduly suggestive if it steers the witness to one suspect.
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 has expressed strong disapproval of the practice of showing suspects
 singly rather than as part of a line up to persons for the purpose
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State v. Johnson 311 SC 132, United States v. Wade the Supreme Court held
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Thus also violates defendant's right to due process see Stovall
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 State of Ohio 85 S.Ct 223 when constitutional validity of arrest
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 warrant and why officers making arrest without warrant
 and why officers thought information was credible

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Further stating that good faith on part of arresting officer is not sufficient to withstand attack on constitutional validity of arrest without a warrant in the case of Beck v. State of Ohio 85 S.Ct 223 it stated that; police officers knowledge of defendant's physical appearance and his prior record was neither [redacted] admissible nor entirely irrelevant to issue of probable cause for his arrest but these two factors alone or in combination were insufficient to constitute probable cause USCA Const. Amend. 4, 14, See also Terry v. Ohio 88 S.Ct 1868 in which states in part that; The police must whenever practicable obtain advance judicial approval of searches and seizures through the warrant procedure See; Katz v. United States 378

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US 347, Beck v. State of Ohio 379 US 89, further stating that [redacted] intrusions upon constitutionally guaranteed rights must be based on more than [redacted] manipulate hunches and simple good faith on part of officer is not enough, Furthermore the fourth amendment protects not places but people. he is entitled to be free from governmental intrusion. Furthermore pursuant to Terry v. Ohio 88 S.Ct 1868 states that; no right is held more sacred or is more

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Carefully guarded by the common law than the right of every individual to the possession and control of his own person free from all restraint or interference of others unless by clear and unquestionable authority of law. The fourth amendment has been recognized as a principal mode of discouraging lawless police conduct

STATEMENT OF FACTS

Furthermore courts which [redacted] sit under a constitution cannot and will not be made party to lawless invasions of the constitutional rights of citizens by permitting unhindered state and governmental invasions that are unlawful and without probable cause. Further according to SCR Crim rule 5 (3) Time for disclosure states that: the prosecutor shall respond to the [redacted] defendant request for disclosure no later than thirty (30) days after the request is made or within such other time as may be ordered by [redacted] Court. S.C Code Section 17-13-50 Right to be informed of ground of arrest; [redacted] consequences of refusal to answer or false answer, (B) see also: State v. DeBerry 157 SE2d 637, & Miranda warnings see also: Bardy v. Maryland.

STATEMENT OF FACTS

According to State v. Williams 367 SC192 it states that an individual under the appropriate circumstances has the right to utilize the amount of resistance reasonably necessary to defend himself in the event excessive force is utilized incident to a lawful arrest. See also: Cunningham v. State 471 SE2d 273, South Carolina Jurisprudence Section 26 Resisting Arrest states: under South Carolina law a person has the right to resist an unlawful arrest using whatever force is reasonably necessary under the circumstances see

STATEMENT OF FACTS

State v. Creech 441 SE2d 635, see also State v. Maybank 573 SE2d 851. American Jurisprudence Second Edition Section 65 states that if an arrest is not lawful then a defendant cannot be guilty of resisting it even if it is shown that the officers acted in good faith. An officer who uses excessive force is acting unlawfully and therefore is not engaged in performance of his or her duties for the purposes of the offense of resisting a peace officer the focus is on whether the officers actions

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STATEMENT OF FACTS

are objectively reasonable when determining if the officers use of force is excessive for the purpose of determining if an arrested who results can assert the defense of self defense. Furthermore pursuant to the Supreme Court case of US v. Gonzalez-Lopez 126 S.Ct. ██████ 2559 states that 'The sixth amendment right to counsel is the right of a defendant who does not ██████ receive appointed counsel to choose who will represent him VSCA Const. Amend. 6. The defendant further states as in accordance with this case.

STATEMENT OF FACTS

That the sixth amendment guarantees the defendant the right to be represented by an otherwise qualified attorney whom that defendant can afford to hire or who is willing to represent the defendant even though he is without funds VSCA Const. Amend. 6. Furthermore PTSD = Post traumatic disorder An anxiety disorder associated with serious traumatic events and ██████ characterized by such symptoms as survivor guilt, reliving the trauma in dreams numbness and lack of involvement with reality or recurrent thoughts and ██████ images.

STATEMENT OF FACTS

Bipolar Disorder = A mental disorder characterized by episodes of mania and depression, mania = an affective disorder in which the victim tends to respond excessively and sometimes violently, ██████ paranoid schizophrenia = a form of schizophrenia characterized by delusions of persecution or grandeur or jealousy ██████ symptoms may include anger and anxiety and gloominess ██████ patients are usually in delusions in thought and language and withdrawal from social conduct

STATEMENT OF FACTS

The defendant moves and state that arrest warrant for probation violation is void and invalid this arrest warrant and affidavit [redacted] sworn statement was never presented before any magistrate judge no magistrate judge signature neither was it filed with the clerk as required thus no probable cause. Further based upon sham and hearsay statements made within arrest affidavit further based upon perjury fraud and conspiracy to violate the defendant of his rights to due process under 14th Amendment to US Constitution as well as state constitution as well as denial of fairness and equal protection of the laws. The defendant further states no evidence to support statements stated therein arresting officer wore body cam in which has yet to

STATEMENT OF FACTS

Become present and known as evidence in order to show what happen on day of arrest in which warrant was based upon. If these agents state that the defendant committed offenses then they and arresting officers should be more than happy to [redacted] turn over body cam to show as evidence to these statements. Furthermore the arresting officers and the department of probation and parole arrest affidavit of the same incident states two totally different accounts of what took place in order to truly [redacted]

STATEMENT OF FACTS

Truth of what took place officers body cam should be made part of record and submitted before the court as evidence what is the delay in this matter. Furthermore the defendant is not guilty until proven guilty according to law and Supreme Court rulings in which are binding upon all lower courts must be followed mandatory and not discretionary to do otherwise would be total denial of justice error of law abuse of discretion as well as denial of due process fairness equal protection of the laws. The defendant further states that it was said that [redacted] (street was black male sunny black T-shirt and gray pants

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STATEMENT OF FACTS

The defendant was found wearing Black T-shirt and black sweat pants see attachment affidavit with this motion in support thereof. Furthermore the report states not once how tall ██████████ suspect was, if suspect had facial hair or not if he was light skin to black male or dark skin black male if suspect had hair on his head or not if he wore a hat or not or anything on or around his head, never stated suspect age only stated Black male black T-shirt gray pants, knowing defendant had on all black nothing gray on at all whatsoever therefore how could the defendant match description explain???

STATEMENT OF FACTS

only thing match was defendant was black male in which description given could have been any black male, Thus lack of probable cause for arrest and detainment with unlawful use of force with cover-up and unlawful arrest. Defendant further was incompetent/mentally ill at time of arrest for being denied mental health treatments ordered by (7) PCR Judges for pending PCR cases # 2022-CP-CO-2017, B 2020-CP-CO-05357 denied by (SCDC) and SC Dept of mental Health denied 5yrs 7 months and still counting with denial of order to be restored to become competent by Honorable Judge Newman December 19, 2024 as well as 7 other PCR Judges see attachment of one judges order for probation indictment and warrant no 21-GJ-10-04573. Filed March 15, 2024 By PCR Judge.

STATEMENT OF FACTS

Conclusion

Furthermore knowing these stated facts defendant denied counsel at bond hearing and a guardian ad litem and declared by magistrate judge and court appoint Guardian Ad Litem Rose Dixon not incompetent knowing this fact and set bail at \$500,000 in which is excess Bail @th Amend US Const violation further due to no standards by ██████████