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SC Court of Appeals

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

IN RE: FILING A PETITION TO INVOKE THE S.C. SUPREME COURT'S
ORIGINAL JURISDICTION, SEEKING PETITION FOR WRIT OF MANDAMUS AND
PROHIBITION.

TO: THE S.C. SUPREME COURT,

ATTACHED ARE PLEADING SENT TO YOU TO INITIATE AN
ACTION BEFORE THE SUPREME COURT REGARDING MATTERS CURRENTLY
PRESENTING THEMSELVES WITHIN THE S.C. COURT OF APPEALS UNDER CASE
NO. 2023-001474. PLEASE FILE THE PLEADING AND ASSIGN A CASE
NUMBER. THANK YOU IN ADVANCE.

TO: THE S.C. COURT OF APPEALS,

THE ATTACHED PLEADING IS TO BE FILED UNDER CASE
2023-001474. THANK YOU IN ADVANCE.

RESPECTFULLY,
JOSEPH J. PATTERSON

JULY 2, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

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SC Court of Appeals

CASE DOCKET NO. _____

APPEAL AND PETITION FROM THE S.C. COURT OF APPEALS
UNDER CASE DOCKET NO. 2023-001474

APPEAL FROM LEXINGTON COUNTY GENERAL SESSIONS
UNDER INDICTMENT NO.(S) 2022-GS-32-6146, 6147

JOSEPH JAMES PATTERSON III,

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

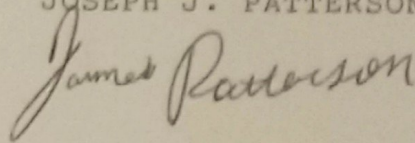
AFFIDAVIT OF SERVICE

I, JOSEPH JAMES PATTERSON III, DO HEREBY CERTIFY, THAT I
HAVE MAILED AND OR SERVED A COPY OF A PETITION TO INVOKE THE
SOUTH CAROLINA SUPREME COURT'S ORIGINAL JURISDICTION AND IN THE
ALTERNATIVE PETITION FOR WRIT OF MANDAMUS TO SUBSTITUTE FOR

CONFLICT-FREE LEGAL COUNSEL PRODUCING CONSTITUTIONAL STRUCTURAL
ERRO; PETITION FOR WRIT OF PROHIBITION AND MOTION TO MOTION
THEREFOR (THE COPY OF THE 401 PAGE PCR IS FILED WITH THE S.C.
COURT OF APPEALS. ALL PARTIES CAN REVIEW THAT DOCUMENT ON LINE),
AND OTHER ATTACHMENTS ON THE SOUTH CAROLINA SUPREME COURT P.O.
BOX 11330 COLUMBIA, S.C. 29211, THE S.C. COURT OF APPEALS P.O.
BOX 11629 COLUMBIA, S.C. 29211, THE S.C. INDIGENT DEFENSE OFFICE
1330 LADY STREET SUITE 401 COLUMBIA, S.C. 29201, THE S.C.
ATTORNEY GENERAL P.O. BOX 11549 COLUMBIA, S.C. 29221 AND ALL
OTHER INVOLVED PARTIES, BY U.S. MAIL POSTAGE PREPAID BY
DEPOSITING IT IN THE INSTITUTION MAILBOX OR BY PDF ON JULY 2,
2026.

RESPECTFULLY,

JOSEPH J. PATTERSON III

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

JULY 2, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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CASE DOCKET NO. _____

SC Court of Appeals

APPEAL AND PETITION FROM THE S.C. COURT OF APPEALS
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JOSEPH JAMES PATTERSON III,

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

PETITION TO INVOKE THE SOUTH CAROLINA SUPREME COURT'S
ORIGINAL JURISDICTION AND IN THE ALTERNATIVE PETITION
FOR A WRIT OF MANDAMUS TO SUBSTITUTE FOR CONFLICT-FREE
LEGAL COUNSEL PRODUCING CONSTITUTIONAL STRUCTURAL ERROR;
PETITION FOR WRIT OF PROHIBITION AND MOTION TO MOTION THEREFOR

TO: THE SOUTH CAROLINA SUPREME COURT ET. AL.,

ATTACHED THE S.C. SUPREME COURT WILL FIND:

(1) "EXHIBIT NO. 1"---THIS IS A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR REVIEW OF CLERK'S ACTIONS UNDER RULE 240(j); MOTION TO COMPEL FILING AND MOTION TO MOTION, [5] PAGES DATED APRIL 29, 2026 FILED UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS.

(2) "EXHIBIT, NO. 2"---THIS IS A COPY OF THE [3] PAGE LETTER TO THE CHIEF ADMINISTRATIVE JUDGE OF THE S.C. COURT OF APPEALS, JUDGE H. BRUCE WILLIAMS DATED APRIL 21, 2026, A COPY OF THE NOTICE FROM THE COURT OF APPEALS DATED APRIL 13, 2026 FILED UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS.

(3) "EXHIBIT NO. 3"---THIS IS A COPY OF THE COVER LETTER, AFFIDAVIT OF SERVICE AND 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, [14] PAGES DATED APRIL 10, 2026 ALONG WITH THE ORDER ISSUED BY THE S.C. COURT OF APPEALS DATED FILED MARCH 31, 2026 THAT IS FILED UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS.

(4) "EXHIBIT, NO. 4"---THIS IS A COPY OF THE POST CONVICTION RELIEF APPLICATION [401] PAGES FILED UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT THAT ESTABLISH CASE NO. 2026-CP-32-01723 PENDING WITHIN THE LEXINGTON COUNTY COURT OF COMMON PLEAS. DUE TO THE EGREGIOUS ACTS OF FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE OCCURRING UNDER CASE 2023-001474 IN THE S.C. COURT OF

APPEALS, THE APPELLANT WAS FORCED TO FILE THE PCR APPLICATION UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT IN HOPES OF MAINTAINING SOME TYPE OF PRESERVATION OF THE CLAIMS. IT IS PLAIN TO SEE FROM THIS ATTACHED PCR APPLICATION DOCUMENT THAT THE JURISDICTIONAL ISSUES ARGUED WITHIN THIS ATTACHED POST CONVICTION RELIEF APPLICATION CAN INDEED BE RAISED FOR THE FIRST TIME ON APPEAL AND THE APPELLANT HAS PRODUCED SUBSTANTIAL CAUSE AS TO WHY HE MUST BE PERMITTED TO SUBSTITUTE CURRENT APPOINTED COUNSEL TO ARGUE AGAINST THE PRECEDENT ESTABLISHED BY THE STATE v. GENTRY CASE OF 2005. THIS PCR IS THE SOURCE OF THE FRAUD UPON THE COURT, COLLUSION, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE ARTICULATED THEREIN PRODUCING OVERWHELMING PREJUDICE AGAINST THE APPELLANT REGARDING HIS DUE PROCESS MATTERS PENDING UNDER CASE 2023-001474 IN THE S.C. COURT OF APPEALS.

INSOMUCH, THE APPELLANT/PETITIONER OBJECTS AND MOTIONS TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION TO REMEDY THE CONSTITUTIONAL STRUCTURAL ERROR THAT CURRENTLY EXIST WITHIN THE APPEAL, AND OR IN THE ALTERNATIVE PETITION FOR A WRIT OF MANDAMUS TO REQUIRE THE S.C. COURT OF APPEALS TO REMOVE THE COMPROMISED STATE APPOINTED LEGAL COUNSEL AND APPOINT SUBSTITUTE COUNSEL AS IS ARGUED WITHIN THE EXHIBITS. THE PETITIONER MOTION FOR A WRIT OF PROHIBITION TO PREVENT THE S.C. COURT OF APPEALS FROM PLACING ANY FINAL ORDER IN THE APPEAL UNTIL THE COMPROMISED STATE APPOINTED LEGAL COUNSEL IS SUBSTITUTED WITH CONFLICT-FREE COUNSEL AND THE APPELLANT IS PERMITTED TO ARGUE AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY AS HIS DUE PROCESS RIGHTS AND RULE 217 OF APPELLATE COURT RULES WOULD PERMIT.

WHAT IS CURRENTLY GOING ON WITH THE S.C. COURT OF APPEALS AND THE STATE APPOINTED LEGAL COUNSEL, CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL'S OFFICE, TO PREVENT SUBSTANTIAL JURISDICTIONAL CHALLENGE FROM BEING RAISED WITHIN THE S.C. COURT OF APPEALS IS OUTRAGEOUS AND SHOCKS THE CONSCIENCE THAT SUCH MANIFEST INJUSTICE WOULD BE PERPETRATED WITHIN THE S.C. COURT OF APPEALS. THE APPELLANT'S LEGAL PROCESS IS CAUGHT IN A PERPETUAL LEGAL LIMBO FURTHER VIOLATING HIS CONSTITUTIONALLY

PROTECTED DUE PROCESS RIGHTS. THE COURT OF APPEALS CANNOT LEGALLY ISSUE A VALID FINAL ORDER WITHIN THE APPELLANT'S APPEAL WHILE ACTIVELY PARTICIPATING IN OR IGNORING A KNOWN FRAUD UPON THE COURT AND COUNSEL COLLUSION, AS DOING SO VIOLATES BASIC FEDERAL AND STATE CONSTITUTIONAL RIGHTS OF DUE PROCESS AND CONFLICT-FREE COUNSEL. THE LEGAL COUNSEL THAT PRESENTLY REPRESENT THE APPELLANT IS COMPROMISED, CONSPIRING UNDER COLOR OF STATE LAW TO PREVENT THE JUST AND PROPER ADJUDICATION OF LEGITIMATE SUBJECT MATTER JURISDICTION ISSUES THAT CAN BE RAISED FOR THE FIRST TIME ON APPEAL. THE APPELLANT OBJECTS AND SEEKS THE S.C. SUPREME COURT'S IMMEDIATE INTERVENTION AND EXERCISE OF JURISDICTION.

UNDER SOUTH CAROLINA LAW, AN APPELLANT CAN SEEK A WRIT OF MANDAMUS FROM THE SOUTH CAROLINA SUPREME COURT, AND THE COURT OF APPEALS IS LEGALLY REQUIRED TO SUBSTITUTE COUNSEL DUE TO GENUINE, IRRECONCILABLE CONFLICT OF INTEREST THUS PRESENTED AND ESTABLISHED AS SEEN AND ARTICULATED WITHIN THE EXHIBITS AND THIS PLEADING. THE APPELLANT MOTIONS TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION AND IN THE ALTERNATE PETITION FOR WRIT OF MANDAMUS AND PROHIBITION. THE APPELLANT IS AWARE THAT THE GRANTING OF A PETITION FOR WRIT OF MANDAMUS IS NOT AUTOMATIC BUT THE MANDATES OF THE STRICT LEGAL TEST ARE MET UNDER THESE EXTRAORDINARY CIRCUMSTANCES. A FINAL ORDER ISSUED UNDER THE CIRCUMSTANCES ARTICULATED WITHIN THE ATTACHMENTS AND THIS PLEADING WOULD BE FUNDAMENTALLY FLAWED AND VULNERABLE TO BEING VACATED FOR CONSTITUTIONAL STRUCTURAL ERROR. THE APPELLANT'S SUBSTANTIAL DUE PROCESS RIGHTS ARE CLEARLY BEING VIOLATED. THE 6TH. AMENDMENT (AND ARTICLE 1, SECTION 14 OF THE SOUTH CAROLINA CONSTITUTION) GUARANTEES THE RIGHT TO EFFECTIVE CONFLICT-FREE LEGAL COUNSEL. THE RIGHT OF AUTOMONY ESTABLISHED BY MCCOY v. LOUISIANA 2018 U.S. SUPREME COURT CASE CARRIES OVER INTO DIRECT APPEAL. WHEN OFFICERS OF THE COURT (THE DEFENSE ATTORNEY) COLLUDES WITH THE PROSECUTION (THE ATTORNEY GENERAL'S OFFICE) TO SUPPRESS A "ROCK SOLID" JURISDICTIONAL CLAIM(S), IT DEFILES THE INTEGRITY OF THE JUDICIAL SYSTEM. JURISDICTION CAN BE RAISED AT ANY TIME: IN SOUTH CAROLINA, SUBJECT MATTER JURISDICTION CAN NEVER BE WAIVED AND CAN BE RAISED AT ANY POINT, INCLUDING FOR THE

FIRST TIME ON DIRECT APPEAL. THE INTENTIONAL TREATING OF A MOTION FOR SUBSTITUTE COUNSEL AS A MOTION MERELY TO PROCEED PRO SE (SELF REPRESENTATION) WITHOUT CONDUCTING A PROPER FARETTA HEARING CONSTITUTE A REVERSIBLE ERROR OF LAW.

THE S.C. COURT OF APPEALS IN MANDATED AND LEGALLY REQUIRED TO SUBSTITUTE COUNSEL IF AN APPELLANT DEMONSTRATES "GOOD CAUSE". GOOD CAUSE EXISTS WHERE IN THIS CASE WE ARE DEALING WITH AN ACTUAL CONFLICT OF INTEREST, TOTAL BREAKDOWN IN COMMUNICATION, AND STATE SPONSORED COLLUSION WHICH LEGALLY SATISFIES THE LEGAL DEFINITION OF "GOOD CAUSE". WHERE THIS CONFLICT CLEARLY EXISTS, ONCE THE COURT IS PUT ON NOTICE THAT DEFENSE COUNSEL IS ACTIVELY WORKING WITH THE ADVERSE PARTY (THE STATE) TO DAMAGE HIS CLIENT, THE APPELLANT'S DIRECT APPEAL, THE COURT HAS AN ABSOLUTE DUTY TO INVESTIGATE AND APPOINT CONFLICT-FREE COUNSEL. FAILING TO DO SO IS STRUCTURALIZES AN UNFAIR APPEAL PROCESS.

THE APPELLANT MUST PROVE THREE STRICT ELEMENTS TO WARRANT THE GRANTING OF THE MANDAMUS: (1) A CLEAR LEGAL RIGHT--THE APPELLANT HAS AN UNDENIABLE RIGHT TO CONFLICT-FREE LEGAL COUNSEL TO PERFECT HIS APPEAL WITHIN THE S.C. COURT OF APPEALS. (2) A NON-DISCRETIONARY DUTY--THE S.C. COURT OF APPEALS HAVE A PLAIN, MANDATORY DUTY TO PROTECT THE INTEGRITY OF THE COURT AND REMOVE COUNSEL THAT IS COMPROMISED. (3) NO OTHER ADEQUATE REMEDY---THE WAITING FOR A CORRUPTED AND TAINTED APPEAL TO FULLY MANIFEST ITSELF WHICH FORCED THE APPELLANT TO MOVE TO COLLATERAL REVIEW AND FILE A POST CONVICTION RELIEF APPLICATION IS AN INADEQUATE REMEDY BECAUSE THE FRAUD, CONSPIRACY AND OBSTRUCTION OF JUSTICE IS OCCURRING ACTIVELY AT THE DIRECT APPELLATE LEVEL WHICH WOULD ESSENTIALLY DEPRIVE THE APPELLANT OF A "JUST AND FAIR" DIRECT APPELLANT REVIEW THAT THE COLLATERAL REVIEW WOULD NOT FULLY REMEDY. FRAUD MUST BE ARGUED WITHIN THE COURT WHERE THE FRAUD IS ACTUALLY OCCURRING. THE APPELLANT IN ALTERNATE TO THE INVOKING OF THE COURT'S ORIGINAL JURISDICTION AND OR THE SEEKING OF PETITION FOR WRIT OF MANDAMUS ALSO PETITION FOR A WRIT OF PROHIBITION (TO STOP THE COURT OF APPEALS FROM EXCEEDING ITS AUTHORITY (JURISDICTION) UNTIL THE COUNSEL ISSUE IS RESOLVED).

HERE: (1) SUBJECT MATTER JURISDICTION---SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME AND WHERE THE APPELLANT SEEKS TO ARGUE AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494(S.C.App.2005) AS APPELLATE COURT RULES WOULD PERMIT WHICH HE DOES NOT NEED THE PERMISSION OF THE COURT TO DO. THE S.C. SUPREME COURT CLARIFIED THAT ISSUES OF TRUE SUBJECT MATTER JURISDICTION---WHICH REFERS TO THE COURT'S "CONSTITUTIONAL" (EMPHASIS ADDED) AND STATUTORY POWER TO HEAR A PARTICULAR CASE---CAN NEVER BE WAIVED BY A PARTY AND MAY BE RAISED FOR THE FIRST TIME AT ANY POINT IN THE PROCEEDINGS, INCLUDING FOR THE FIRST TIME ON DIRECT APPEAL. IF THE APPELLANT DISCOVERS A VALID SUBJECT MATTER JURISDICTION FLAW, THE COURT OF APPEALS CANNOT LEGALLY REFUSE TO HEAR IT BASED UPON PROCEDURAL RULES OR TIMELINES. (2) THE RIGHT TO CONFLICT-FREE COUNSEL---IN CASES LIKE STATE v. STOOTS, 445 S.C. 127, 912 S.E.2d. 248(S.C.App.2025) AND STATE v. INMAN, 395 S.C. 539, 720 S.E.2d. 31(S.C.App.2011) THE COURT DETERMINED THAT A DEFENDANT'S RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL INCLUDES THE RIGHT TO CONFLICT-FREE REPRESENTATION. THE APPELLANT BY THE ARGUMENT PRESENTED ESTABLISHED "GOOD CAUSE", WHICH INCLUDES AN ACTUAL CONFLICT OF INTEREST OR RECONCILABLE BREAKDOWN IN COMMUNICATION. CRUCIALLY, THE SUPREME COURT RULED THAT WHEN AN APPELLANT REQUESTS NEW COUNSEL, THE LOWER COURT HAS AN ABSOLUTE DUTY TO CONDUCT A MEANINGFUL INQUIRY INTO THE NATURE OF THE CONFLICT WHICH IN TRUTH DID NOT PROPERLY OCCUR HERE. MISCHARACTERIZING THE APPELLANT'S REQUEST FOR CONFLICT-FREE COUNSEL AS AN AUTOMATIC MOTION TO PROCEED PRO SE---WITHOUT ADDRESSING THE COLLUSION OR CONDUCTING A PROPER INQUIRY---IS A SEVERE ABUSE OF DISCRETION AND A STRUCTURAL LEGAL ERROR. CRIMINAL DEFENDANTS HAVE BOTH 6TH. AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL AND ABILITY TO WAIVE THAT RIGHT. CONFLICT OF INTEREST SUPPORTS CLAIM OF INEFFECTIVE ASSISTANCE. THE APPELLANT IS ENTITLED TO COUNSEL WHOSE UNDIVIDED LOYALTIES LIE WITH HIS CLIENT, JORDON v. STATE, 406 S.C. 443, 752 S.E.2d. 538(S.C.App.2013); STANKO v. STRILING, 190 F.4TH. 681(4th.Cir.2024); UNITED STATES v. PERRY, 92 F.4TH. 500 (4th.Cir.2024); UNITED STATES v. GLOVER, 8 F.4TH.

239(4th.Cir.2021); IN RE: BEARD, 359 S.C. 351, 597 S.E.2d. 835(S.C.App.2004); SENTRY SELECT INSURANCE COMPANY v. MAYBANK LAW FIRM, LLC., 426 S.C. 154, 826 S.E.2d. 270(S.C.App.2019). (3) FRAUD UPON THE COURT---FRAUD UPON THE COURT INVALIDATES ANY FINAL ORDER THAT WOULD BE ATTEMPTED FILED WITHIN THE APPEAL. IN THE CASE OF CHEWING v. FORD MOTOR CO., 354 S.C. 72, 579 S.E.2d. 605(S.C.App.2003) ALSO SUPPORTED BY FOX EX REL FOX v. ELK RUN COAL CO., 739 F.3d. 131 (4th.Cir.2014), THE CHEWING CASE BEING A LANDMARK CASE SUPPORTED BY FOX THE S.C. SUPREME COURT HELD THAT FRAUD UPON THE COURT OCCURS WHEN OFFICERS OF THE COURT (SUCH AS AN ATTORNEY) ACTIVELY COLLUDES OR ENGAGES IN INTENTIONAL MISCONDUCT THAT SUBVERTS THE ADMINISTRATION OF JUSTICE. THE COURT RULED THAT ANY JUDGMENT OR ORDER OBTAINED THROUGH FRAUD UPON THE COURT IS INHERENTLY CORRUPTED AND MUST BE VACATED. IF DEFENSE COUNSEL CONTINUES TO COLLUDE WITH THE ATTORNEY GENERAL TO SUPPRESS A JURISDICTIONAL CLAIM, THEY COMMIT FRAUD UPON THE COURT. ANY APPELLATE ORDER THAT KNOWS OF THIS FRAUD BUT PROCEEDS ANYWAY IS NOT JUST UNCONSTITUTIONAL. IT IS LEGALLY DEFECTIVE AND SUBJECT TO BEING OVERTURNED AND OR RENDERED VOID. (4) THE NEED FOR A WRIT OF MANDAMUS AND WRIT OF PROHIBITION TO HALT THE MANIFEST INJUSTICE---THE SOUTH CAROLINA SUPREME COURT OUTLINED THE STRICT NON-NEGOTIABLE ELEMENTS REQUIRED TO SECURE THE EXTRAORDINARY REMEDY FOR A WRIT OF MANDAMUS AND OR PROHIBITION. THE PETITIONER MUST ESTABLISH A CLEAR LEGAL RIGHT TO THE PERFORMANCE OF THE DUTY, A PLAIN, MINISTERIAL (MANDATORY) DUTY BY THE PUBLIC OFFICER OR LOWER COURT TO PERFORM THAT ACT; AND THE LACK OF ANY OTHER AVAILABLE REMEDY. THE APPELLANT HAS A CLEAR LEGAL RIGHT TO CONFLICT-FREE COUNSEL (INMAN), THE S.C. COURT OF APPEALS HAS A MANDATORY DUTY TO REMOVE A CORRUPTED APPOINTED STATE ATTORNEY, AND ORDINARY POST CONVICTION RELIEF PROCESSES ARE INADEQUATE BECAUSE THE FRAUD IS ACTIVELY, ACTIVELY POLLUTING THE DIRECT APPEAL PROCESS ESSENTIALLY LEAVING THE APPELLANT IN DIRECT APPEAL LEGAL LIMBO. FOR WRIT OF PROHIBITION YOU HAVE AN ACTUAL OR THREATENED EXCESS OF JURISDICTION. IT IS SOUGHT TO STOP AN UNCONSTITUTIONAL ACT FROM PERSISTING OR OCCURRING. THE APPOINTED ATTORNEY REFUSES TO BRING THE LEGITIMATE JURISDICTIONAL CLAIMS. THE APPELLANT SOUGHT REHEARING AND FILED PREVIOUS OBJECTIONS TO

NO AVAIL.

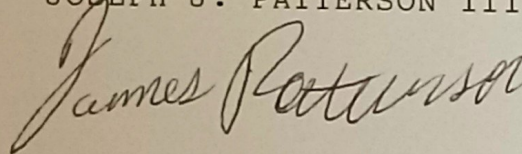
IN RECENT JUDICIAL DECISION LIKE STATE v. STOOTS, 445 S.C. 127, 912 S.E.2d. 248(S.C.App.2025) THE SOUTH CAROLINA SUPREME COURT RE-EMPHASIZED THAT SUBJECT MATTER JURISDICTION IS A STRICT CONSTITUTIONAL REQUISITE. THE COURT REITERATED THAT A LACK OF SUBJECT MATTER JURISDICTION CANNOT BE WAIVED, CANNOT BE CURED BY THE CONSENT OF THE PARTIES, AND CAN BE RAISED AT ANY TIME BY ANY PARTY, OR BY THE COURT SUA SPONTE, INCLUDING FOR THE FIRST TIME ON DIRECT APPEAL. WHERE THE APPELLANT'S NEWLY DISCOVERED AND PRESENTED CLAIM(S) IS A TRUE SUBJECT MATTER JURISDICTION ISSUE (CONSTITUTIONAL ELEMENT JURISDICTION CLAIM ARGUING AGAINST AN ESTABLISHED JURISDICTIONAL PRECEDENT [GENTRY]), THE COURT OF APPEALS CANNOT INVOKE PROCEDURAL BARS, PRESERVATION RULES, OR TIME LIMITS TO AVOID RULING ON IT. THE FAILURE TO PROPERLY INQUIRE INTO COUNSEL SUBSTITUTION UNDER STATE v. ROBERSON, 438 S.C. 614, 885 S.E.2d. 411 (S.C.App.2023) AND JORDON v. STATE, 406 S.C. 443, 752 S.E.2d. 538(S.C.App.2013) CLARIFIES THE EXACT PROCEDURAL STANDARD A COURT MUST FOLLOW WHEN AN INDIGENT DEFENDANT REQUESTS THE DISCHARGE OR SUBSTITUTION OF APPOINTED COUNSEL. THE COURT RULED THAT WHEN THE APPELLANT VOICES SEVERE DISSATISFACTION OR ASSERTS A CONFLICT OF INTEREST, THE LOWER COURT ABUSES ITS DISCRETION IF IT FAILS TO CONDUCT A SEARCHING, MEANINGFUL INQUIRY ON THE COURT RECORD WHICH DID NOT PROPERLY, FAIRLY OCCUR IN THE APPELLANT'S DIRECT APPEAL UNDER CASE NO. 2023-001474. THE COURT OF APPEALS COMMITTED A SEVERE, STRUCTURAL ERROR OF LAW. BY TRANSFORMING A MOTION FOR SUBSTITUTE, CONFLICT-FREE COUNSEL INTO A MERE ACTIVE MOTION TO ACT PRO SE---WHILE COMPLETELY IGNORING THE UNDERLYING CONFLICT---THE COURT VIOLATES MANDATED CONSTITUTIONAL SAFEGUARDS. WHILE ANALYZING ATTORNEY ETHICS AND JUDICIAL INTEGRITY, THE SOUTH CAROLINA SUPREME COURT AFFIRMED THAT AN ATTORNEY'S PRIMARY, ABSOLUTE ALLEGIANCE IS TO THEIR CLIENT. IF AN OFFICER OF THE COURT (THE DEFENSE ATTORNEY) ACTS IN CONCERT WITH AN ADVERSE PARTY OR ACTIVELY SABOTAGE HIS CLIENT'S CORE LEGAL RIGHTS TO PROTECT AN INSTITUTIONAL INTEREST, IT THOROUGHLY SUBVERTS THE ADMINISTRATION OF JUSTICE. THEIR ACTION PRODUCE INSTITUTIONAL

IRREGULARITIES AND STATE INTERFERENCE THAT COMPLETELY UNDERMINE THE INTEGRITY OF THE ADVERSARIAL PROCESS AND VIOLATE FUNDAMENTAL STATE AND FEDERAL DUE PROCESS GUARANTEES. DIRECT COLLUSION BETWEEN THE ATTORNEY GENERAL AND APPOINTED COUNSEL TO EXPLICITLY SUPPRESS A VIABLE JURISDICTIONAL DEFECT IS THE DICTIONARY DEFINITION OF AN INSTITUTIONAL FRAUD UPON THE COURT. A FINAL ORDER GENERATED BY AN APPELLATE COURT THAT IS FULLY AWARE OF THIS UNCONSTITUTIONAL ACTION AND ACTIVE COLLUSION IS ENTIRELY VOID AND OR ILLEGITIMATE.

THE APPELLANT PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION TO REMEDY THIS CONTINUING MANIFEST INJUSTICE AND OR IN THE ALTERNATIVE PETITION FOR A WRIT OF MANDAMUS AND PETITION FOR PROHIBITION BASED UPON THE LITIGATION AND ARGUMENT THUS PRESENTED. THE COURT WOULD GRANT MANDAMUS WHEN (1) THE PETITIONER HAS NO OTHER ADEQUATE MEANS TO ATTAIN THE RELIEF IT DESIRES, (2) THE APPELLANT HAS SHOWN CLEAR AND INDISPUTABLE RIGHT TO REQUEST THE RELIEF, AND (3) THE COURT DEEMS WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES THUS PRESENTED, IN RE: EXPRESS SCRIPTS, INC., 176 F.4TH. 301 (4th.Cir.2026); GRAY MEDIA GROUP, INC. v. LOVERIDGE, 155 F.4TH. 330 (4th.Cir.2025); CARRIER v. STATE, 441 S.C. 547, 895 S.E.2d. 679(S.C.App.2023).

RESPECTFULLY,

JOSEPH J. PATTERSON III

A handwritten signature in cursive script, reading "James Patterson", written in dark ink.

JULY 2, 2026

"EXHIBIT NO. 1"

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001474

APPEAL FROM LEXINGTON COUNTY
IN THE COURT OF GENERAL SESSIONS

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

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APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

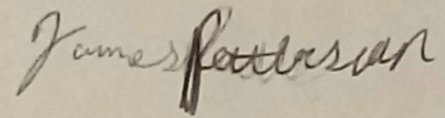
AFFIDAVIT OF SERVICE

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 REVIEW OF CLERK'S ACTIONS UNDER RULE 240(j); MOTION TO COMPEL FILING AND MOTION TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS, THE S.C. INDIGENT DEFENSE OFFICE AND

THE S.C. ATTORNEY GENERAL BY U.S. MAIL. POSTAGE PREPAID BY
DEPOSITING IT IN THE INSTITUTION MAILBOX ON APRIL 29, 2026.

RESPECTFULLY,

JAMES J. PATTERSON

A handwritten signature in dark ink, appearing to read "James J. Patterson". The signature is written in a cursive style with a large, stylized initial "J".

APRIL 29, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001474

APPEAL FROM LEXINGTON COUNTY
IN THE COURT OF GENERAL SESSIONS

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

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RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION FOR
REVIEW OF CLERK'S ACTIONS UNDER RULE 240(j); MOTION TO
COMPEL FILING AND MOTION TO MOTION THEREFOR

TO: THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS
H. BRUCE WILLIAMS ET. AL.,

THE APPELLANT MOTION FOR REVIEW OF CLERK'S ACTIONS AND MOTION TO COMPEL THE CLERK TO FILE AND FORWARD THE MOTION FOR REHEARING AND OR RECONSIDERATION TO THE APPROPRIATE JUDGES FOR ADJUDICATION. THE APPELLANT MOTIONS AND SEEKS THAT THE COURT AND CHIEF JUDGE FORMALLY REVIEW THE CLERK'S REFUSAL TO FORWARD THE PLEADING TO THE COURT FOR ADJUDICATION OF THE MOTION FOR REHEARING AND OR RECONSIDERATION OF THE MOTION TO RELIEVE COUNSEL UNDER APPELLATE COURT RULE 240(j). THE APPELLANT OBJECTS TO THE CLERK REFUSING TO FORWARD THE RECENT PLEADING TO THE COURT FOR REHEARING ON THE MOTION TO RELIEVE COUNSEL DUE TO CONFLICT OF INTEREST INVOLVING STATE APPOINTED COUNSEL AS ARGUED IN THE SUBMITTED PLEADING. THE CLERK IS INAPPROPRIATELY RELYING UPON THE CLAIM THAT THERE IS NO HYBRID-REPRESENTATION. BUT IT IS WELL ESTABLISHED LAW BY JUDICIAL HOLDINGS UNDER STATE v. STUCKEY, 333 S.C. 56 (S.C.App.1998)(THE SUPREME COURT OF SOUTH CAROLINA HELD THAT WHILE SUBSTANTIVE PRO SE DOCUMENTS FILED BY A REPRESENTED PERSON ARE GENERALLY NOT ACCEPTED, THIS DOES NOT LIMIT A PARTY'S RIGHT TO FILE A PRO SE MOTION TO RELIEVE COUNSEL) AND MILLER v. STATE, 434 S.C. 512 (S.C.App.2021)(THIS RULING REAFFIRMS THAT PRO SE DOCUMENTS ARE NOT ACCEPTED REPRESENTED PARTIES, SPECIFICALLY REINFORCING THE "EXCEPTION" (EMPHASIS ADDED) FOR MOTIONS TO RELIEVE COUNSEL WHICH WOULD INCLUDE REHEARING UNDER RULE 221). THE FILING IS SUBMITTED TO ADDRESS THE MOTION TO RELIEVE COUNSEL WHICH CANNOT BE DENIED IS THE INTENT. THIS IS ENFORCED BY THE COURT'S JUDICIAL ORDER 2010-07-08-01 WHICH PROVIDE:

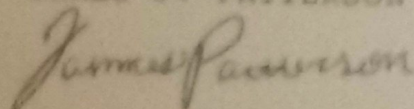
"SINCE THERE IS NO HYBRID-REPRESENTATION"... "WITH THE EXCEPTION OF MOTION TO RELIEVE COUNSEL", FILED PRO SE BY PERSON REPRESENTED BY COUNSEL ARE NOT TO BE ACCEPTED. THE STANDARD FOR ACCEPTANCE IS THE MOTION TO RELIEVE COUNSEL WHICH THIS PLEADING EMBODIES PURSUANT TO SEEKING REHEARING AND RECONSIDERATION ON THE VERY ISSUE OF RELIVING COUNSEL. THEREFORE THE CLERK WAS REQUIRED TO FORWARD THE DOCUMENT FOR JUDICIAL REVIEW, FOSTER v. STATE, 298 S.C. 306, 379 S.E.2d. 907(S.C.App.1989).

IT IS APPROPRIATE FOR THE APPELLANT TO SEEK REHEARING WHERE THE COURT'S PRIOR RULING FAILED TO ADDRESS THE ISSUE OF

SUBSTITUTING THE CONFLICT COUNSEL IF THE COURT DECLINES TO ALLOW THE APPELLANT TO ACT PRO SE. THE APPELLANT'S 6TH. AMENDMENT RIGHTS UNDER THE U.S. CONSTITUTION ARE COMPROMISED. THE APPELLANT MOTIONS TO COMPEL THE FILING AND FORWARDING TO THE JUDGES FOR ADDITIONAL REVIEW. THE COURT OF APPEALS "MISAPPREHENDED AND OVERLOOKED" A SUBSTANTIAL FACT AND POINT OF LAW. THE COURT'S ORDER IGNORED THAT SPECIFIC LEGAL ISSUE REGARDING THIS SUBSTANTIAL CONSTITUTIONAL RIGHT TO HAVE CONFLICT-FREE COUNSEL (THE COURT MUST ALLOW SUBSTITUTE IF NOT GIVEN RIGHT TO ACT PRO SE) AND THE APPELLANT'S CONSTITUTIONAL RIGHT OF AUTONOMY (TO HAVE HIS JURISDICTIONAL ISSUES RAISED) AS HIGHLIGHTED UNDER McCOY v. LOUISIANA 2018 OUT OF THE UNITED STATES SUPREME COURT. THE APPELLANT MOTIONS FOR REHEARING UNDER RULE 221 S.C.A.C.R., MOTION FOR REVIEW UNDER RULE 240(j), MOTION FOR REVIEW OF CLERK'S ACTIONS AND MOTION TO COMPEL THE CLERK TO NOT JUST FILE THE PLEADING, BUT FORWARD IT TO THE COURT FOR "FULL AND MEANINGFUL" REVIEW ON THE APPELLANT'S MOTION TO RELIEVE COUNSEL PURSUANT TO APPELLATE COURT RULES, RULE 240(a) OF SCACR DUE TO A CLEAR CONFLICT OF INTEREST.

RESPECTFULLY,

JAMES J. PATTERSON



APRIL 29, 2026

EXHIBIT NO. 2

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

IN RE: SEEKING REHEARING AND OR RECONSIDERATION OF THE MOTION TO
RELIEVE STATE APPOINTED COUNSEL FOR SUBSTITUTE COUNSEL OR TO ACT
PRO SE DUE TO CONFLICT OF INTEREST.

TO: THE HONORABLE CHIEF ADMINISTRATIVE JUDGE OF THE S.C.
COURT OF APPEALS, JUDGE H. BRUCE WILLIAMS,

SIR, ATTACHED YOU WILL FIND A COPY OF A LETTER DATED
APRIL 13, 2026 THAT WAS ISSUED BY THE DEPUTY CLERK JASMINE SMITH
REGARDING CASE 2023-001474 BASE UPON A PLEADING SEEKING REHEARING
AND OR RECONSIDERATION ON THE MOTION TO RELIEVE COUNSEL THAT WAS
PREVIOUSLY FILED IN THIS CASE. THIS DOCUMENT WAS RECEIVED BY THE
COURT STAMPED RECEIVED ON APRIL 9, 2026 FOR THE PURPOSE OF
SEEKING RECONSIDERATION DUE TO THE COURT MISREPRESENTING THE
JURISDICTIONAL FACTS REGARDING THIS ISSUE.

IT IS THE APPELLANT'S POSITION THAT THE CLERK
INAPPROPRIATELY EXERCISED JUDICIAL AUTHORITY IN VIOLATION OF THE
SEPARATION OF POWERS CLAUSE AND S.C. SUPREME COURT HOLDING UNDER
STATE v. BARNES REGARDING THE DUTIES OF THE CLERK. EVEN THOUGH
THE DOCUMENT APPARENTLY IS FILED, IT APPEARS THAT THE CLERK
FAILED IN HER DUTY TO FORWARD THE PLEADING TO THE JUDGES FOR
ADJUDICATION. THE APPELLANT UNDERSTANDS THAT THERE IS NO
HYBRID-DEFENSE. BUT RULE 264, SCACR(b) PROVIDE: WITHDRAWAL--AN
ATTORNEY OF RECORD IN A MATTER PENDING BEFORE AN APPELLATE COURT

MAY NOT WITHDRAW REPRESENTATION OF HIS CLIENT WITHOUT JUSTIFIABLE CAUSE (THE ATTACHED AND PREVIOUS PLEADING FILED APRIL 9, 2026 ESTABLISHES JUSTIFIABLE CAUSE), OR THE CONSENT, ON PETITION (THE RULES ALLOW THE APPELLANT TO FILE PETITION TO SEEK LEAVE TO RELIEVE COUNSEL) TO AND BY WRITTEN ORDER OF THE APPELLATE COURT, AND WITH MOTION TO THE ADVERSE PARTY (THE MOTION WAS INDEED FILED AND SERVED UPON THE PARTIES AS THE RULE REQUIRES).

THE COURT MISINTERPRETED AND OR MISREPRESENTED THE FACTS REGARDING THE SEEKING OF SUBSTITUTE COUNSEL AND OR TO RELIEVE COUNSEL WHERE THE 6TH. AMENDMENT GUARANTEES THE APPELLANT TO CONFLICT-FREE COUNSEL. EVEN IF THE COURT WOULD NOT PERMIT SELF REPRESENTATION. THE COURT HAS A SUBSTANTIAL DUTY AND OBLIGATION TO ENSURE THE INTEGRITY OF THE JUDICIAL PROCESS IS MAINTAINED, AND ENSURE THE APPLICANT'S 6TH. AMENDMENT RIGHTS TO CONFLICT-FREE COUNSEL REMAIN INTACT AND ARE NOT COMPROMISED.

DUE TO THIS BEING A SUBSTANTIAL CONSTITUTIONAL RIGHT, THE DENIAL OF THE COURT PRODUCES A FINAL APPEALABLE ORDER UNDER THE COLLATERAL ORDER DOCTRINE. WHERE THE ORDER PRODUCES RIGHTS UNDER THE COLLATERAL ORDER DOCTRINE, THE APPELLANT WOULD IN FUNDAMENTAL FAIRNESS BE PERMITTED TO SEEK REHEARING AND OR RECONSIDERATION UNDER THE COLLATERAL ORDER DOCTRINE TO WHICH THE CLERK BY HER UNCONSTITUTIONAL ACTIONS HAVE NOW OBSTRUCTED AND PREVENTED, CONSPIRING UNDER COLOR OF STATE LAW TO ESTABLISH A CONSTITUTIONAL STRUCTURAL ERROR IN THESE PROCEEDINGS THAT WOULD VOID ANY SUBSEQUENT FINAL JUDGMENT THAT WOULD COME FROM THE COURT OF APPEALS UNLESS THIS EGREGIOUS MANIFEST INJUSTICE IS CORRECTED AND THE CONFLICT COUNSEL IS SUBSTITUTED OR REMOVED.

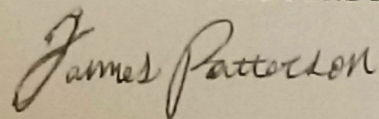
UNDER THESE CIRCUMSTANCE A MOTION FOR REHEARING AND OR RECONSIDERATION UNDER RULE 221, SCACR WOULD BE APPROPRIATE TO WHICH THE CLERK IS CURRENTLY OBSTRUCTING. I AM RESPECTFULLY ASKING THAT YOU INFORM THE COURT TO FORWARD THIS MOTION AND PLEADING TO THE APPROPRIATE S.C. COURT OF APPEALS JUDGES FOR A JUST AND FAIR RULING. THE COURT CANNOT ALLOW THIS CASE TO PROCEED WITHOUT EITHER SUBSTITUTING COUNSEL OR REVISITING THE APPELLANT

SEEKING TO ACT PRO SE. THERE IS NO CONSTITUTIONAL RIGHT TO HYBRID DEFENSE OR SELF REPRESENTATION ON DIRECT APPEAL. BUT THERE IS A CONSTITUTIONAL RIGHT TO HAVE CONFLICT-FREE COUNSEL AS IS ARGUED WITHIN THE PLEADING RECEIVED AND FILED BY THE COURT OF APPEALS ON APRIL 9, 2024, IN RELATION TO THE (14) PAGE DOCUMENT DATED APRIL 10, 2026.

DUE TO THIS ORDER PRODUCING AN ORDER EFFECTING SUBSTANTIAL RIGHTS UNDER THE COLLATERAL ORDER DOCTRINE, SEEKING REHEARING AND OR RECONSIDERATION WOULD BE APPROPRIATE UNDER RULE 221 WHICH IS SUPPORTED BY CASES SUCH AS CITY OF COLUMBIA v. ASSA'AD FALTAS, 420 S.C. 28, 800 S.E.2d. 782(S.C.App.2017) AND LUCAS v. STATE, 352 S.C. 1, 572 S.E.2d. 274(S.C.App.2002); UNITED STATES OF AMERICA v. FRETEHK, 114 F.4TH. 292(4th.Cir.2024). THE APPELLANT IS SEEKING A RULING ON THE PLEADING TO REMOVE THE CONFLICT RIDDEN STATE APPOINTED COUNSEL THAT HAS BEEN PROPERLY AND APPROPRIATELY PLACED BEFORE THIS COURT WITH ALL DUE RESPECT TO ALL PARTIES INVOLVED.

RESPECTFULLY,

JAMES J. PATTERSON III



APRIL 21, 2026

CC: THE CHIEF ADMINISTRATIVE JUDGE H. BRUCE WILLIAMS
THE S.C. INDIGENT DEFENSE OFFICE
THE S.C. ATTORNEY GENERAL
THE S.C. SUPREME COURT
JAMES JOSEPH PATTERSON III



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 13, 2026

James Joseph Patterson, III, 00368709
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Re: The State v. James J. Patterson, III
Appellate Case No. 2023-001474

Dear Mr. Patterson:

The Court has received your petition for rehearing. Because you are represented by counsel, we are returning your filings to you. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
John Benjamin Aplin, Esquire
Donald J. Zelenka, Esquire
Samuel R. Hubbard, III, Esquire
Molly Marie Keegan, Esquire

"EXHIBIT NO. 3"

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

James Patterson

APRIL 10, 2026

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

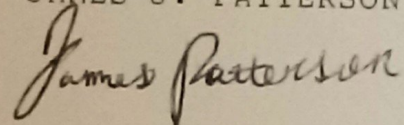
IN RE: FILING A MOTION FOR REHEARING AND OR RECONSIDERATION ON
THE MOTION TO RELIEVE COUNSEL AND THE COURT EITHER APPOINT
SUBSTITUTE COUNSEL OR ALLOW THE APPELLANT TO ACT PRO SE IN CASE
2023-001474.

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

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

APRIL 10, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Apr 09 2026

SC Court of Appeals

CASE DOCKET NO. 2023-001475

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF SERVICE

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

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001475

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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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

James Patterson

APRIL 10, 2026

IN THE COURT OF APPEALS

Apr 09 2026

SC Court of Appeals

CASE DOCKET NO. 2023-001475

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

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

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001475

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

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

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, 445 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 THE 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

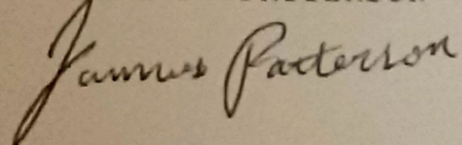
TERM IS USED IN THE STATUTE OUTLINING APPELLATE JURISDICTION IN LAW CASES, AND IS IMMEDIATELY APPEALABLE WHEN IT FINALLY DETERMINES SOME SUBSTANTIAL MATTER, LIKE THE APPELLANT'S 6TH. AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL FORMING THE WHOLE OR PART OF SOME CAUSE OF ACTION OR DEFENSE (ie. SUBJECT MATTER 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



The South Carolina Court of Appeals

The State, Respondent,

v.

James Joseph Patterson, III, Appellant.

Appellate Case No. 2023-001474

ORDER

On February 23, 2026, Appellant filed a motion to relieve counsel. No return was filed. After careful consideration, Appellant's motion to relieve counsel is denied. *State v. Roberts*, 364 S.C. 583, 588–89, 614 S.E.2d 626, 629 (2005) ("Appellant clearly does not have a federal constitutional right to proceed pro se in this appeal from his criminal conviction. We also find there is no state constitutional provision which confers such a right"); *id.* at 589, 614 S.E.2d at 629 ("Moreover, appellate counsel has no duty to raise every non-frivolous issue presented by the record and must be allowed to exercise reasonable professional judgment.").

Krista Carter

J.

FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
John Benjamin Aplin, Esquire
Donald J. Zelenka, Esquire
Samuel R. Hubbard, III, Esquire
Molly Marie Keegan, Esquire

FILED
Mar 31 2026

4/14/26

CONTROLLING CASE LAW GOVERNING (4) DISTINCT AREAS APPLY
HERE: (1) SUBJECT MATTER JURISDICTION---SUBJECT MATTER
JURISDICTION CAN BE RAISED AT ANY TIME AND WHERE THE APPELLANT
SEEKS TO ARGUE AGAINST THE PRECEDENT ESTABLISHED BY STATE v.
GENTRY, 363 S.C. 93, 610 S.E.2d. 494(S.C.App.2005) AS APPELLATE
COURT RULES WOULD PERMIT WHICH HE DOES NOT NEED THE PERMISSION OF
THE COURT TO DO. THE S.C. SUPREME COURT CLARIFIED THAT ISSUES OF
TRUE SUBJECT MATTER JURISDICTION---WHICH REFERS TO THE COURT'S
"CONSTITUTIONAL" (EMPHASIS ADDED) AND STATUTORY POWER TO HEAR A
PARTICULAR CASE---CAN NEVER BE WAIVED BY A PARTY AND MAY BE
RAISED FOR THE FIRST TIME AT ANY POINT IN THE PROCEEDINGS,
INCLUDING FOR THE FIRST TIME ON DIRECT APPEAL. IF THE APPELLANT
DISCOVERS A VALID SUBJECT MATTER JURISDICTION FLAW, THE COURT OF
APPEALS CANNOT LEGALLY REFUSE TO HEAR IT BASED UPON PROCEDURAL
RULES OR TIMELINES. (2) THE RIGHT TO CONFLICT-FREE COUNSEL---IN
CASES LIKE STATE v. STOOTS, 445 S.C. 127, 912 S.E.2d.
248(S.C.App.2025) AND STATE v. INMAN, 395 S.C. 539, 720 S.E.2d.
31(S.C.App.2011) THE COURT DETERMINED THAT A DEFENDANT'S RIGHT TO
EFFECTIVE ASSISTANCE OF COUNSEL INCLUDES THE RIGHT TO
CONFLICT-FREE REPRESENTATION. THE APPELLANT BY THE ARGUMENT
PRESENTED ESTABLISHED "GOOD CAUSE", WHICH INCLUDES AN ACTUAL
CONFLICT OF INTEREST OR RECONCILABLE BREAKDOWN IN COMMUNICATION.
CRUCIALLY, THE SUPREME COURT RULED THAT WHEN AN APPELLANT
REQUESTS NEW COUNSEL, THE LOWER COURT HAS AN ABSOLUTE DUTY TO
CONDUCT A MEANINGFUL INQUIRY INTO THE NATURE OF THE CONFLICT
WHICH IN TRUTH DID NOT PROPERLY OCCUR HERE. MISCHARACTERIZING THE
APPELLANT'S REQUEST FOR CONFLICT-FREE COUNSEL AS AN AUTOMATIC
MOTION TO PROCEED PRO SE---WITHOUT ADDRESSING THE COLLUSION OR
CONDUCTING A PROPER INQUIRY---IS A SEVERE ABUSE OF DISCRETION AND
A STRUCTURAL LEGAL ERROR. CRIMINAL DEFENDANTS HAVE BOTH 6TH.
AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL AND ABILITY TO WAIVE
THAT RIGHT. CONFLICT OF INTEREST SUPPORTS CLAIM OF INEFFECTIVE
ASSISTANCE. THE APPELLANT IS ENTITLED TO COUNSEL WHOSE UNDIVIDED
LOYALTIES LIE WITH HIS CLIENT, JORDON v. STATE, 406 S.C. 443, 752
S.E.2d. 538(S.C.App.2013); STANKO v. STRILING, 190 F.4TH.
681(4th.Cir.2024); UNITED STATES v. PERRY, 92 F.4TH. 500
(4th.Cir.2024); UNITED STATES v. GLOVER, 8 F.4TH.