

South Carolina Supreme Court

Clerk of Court

P.O. Box 11330 / Columbia SC 29211

June 22, 2026

RECEIVED

JUL 09 2026

S.C. SUPREME COURT

Re: Jerome Arny V. State of South Carolina

Case no 2020-CP-10-05359

Notice of Appeal

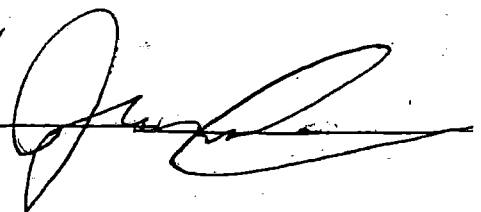
Dear Clerk of Court:

Enclosed is petition to be stamp, clock, and filed motion /notice of Appeal towards The Honorable Judge PCL Judge Marvin Akers Judgment I move Court to Stamp clock and file this notice of appeal and send me a copy as evidence Court received due to this being my only copy that I have account as original due to original being destroyed. I have no access to any Court website thus making it impossible for me to know if Court receive if Court do not send me back a Stamp clock and file copy to me. Therefore I move Court to send me back a Stamp clock and file copy to me for my records as evidence Court received and filed it placing it on Courts docket. Thank you for your time and truthful assistance and may you have a blessed and peaceful day.

Very

Truly

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STATE OF SOUTH CAROLINA
County of Charleston

Jerome Curry

VS.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT
APPEAL FROM Charleston County
COURT OF COMMON PLEAS
The Honorable Martin Dukes PCR Judge
2020-CP-10-05357

NOTICE OF APPEAL

Appellate Case No: 2020-001386

STATEMENT OF FACTS

Now comes the petitioner with this above entitled Appeal I state that PCR error for not granting new trial based on charges & conviction being void & unconstitutional for conviction without well vs Biggers hearing on one on one show-up identification while standing at rear of police [redacted] car with handcuffs on Court abuse its discretion and error of Law allowing conviction without due process hearing to determine by law if the petitioner was at risk of reoffending and was a violent [redacted] sexual offender erred for allowing guilty plea knowing petitioner was not provided with rights waived by

STATEMENT OF FACTS

pleading guilty until after entering guilty plea upon receive then advise of rights waived after being such see guilty plea transcript thus violated due process effective assistance of counsel counsel ineffective for allowing the petitioner to plea guilty knowing he was mentally ill/incompetent at time of plea & time of offense court erred by allowing case to be dismissed knowing petitioner was incompetent with mental health record as evidence of this fact not on mental health meds at time last PCR hearing was held Court erred for not allowing or [redacted] granting new trial knowing this fact further unconstitutional due process violation rendering conviction void can be raised anytime.

2.

STATEMENT OF FACTS

The petitioner states that judgment entered is void and unconstitutional. A void judgment is as if no judgment has been entered at all. A void judgment cannot be affirmed, supported, upheld, nor enforced. There is no deadline when filing relief from a void judgment. Once a judgment is known to be void it is void for all times. It has no legal effect. It is not binding at all whatsoever. A void judgment is any

STATEMENT OF FACTS

Judgment entered without due process of law, lack of subject matter jurisdiction, or personal jurisdiction. The law states and jurisprudence states that once a judgment has been known to be void it is mandatory not [REDACTED] discretionary that such void judgment be vacated. To do otherwise would be a total denial of justice.

STATEMENT OF FACTS

All together the [REDACTED] PCR Judgment is void. Cannot be supported, upheld, nor enforced. There is no time limit on filing any judgments based upon being void. Further, while being incompetent, State are not mental health specialists. Therefore, cannot show nor prove that petitioner was incompetent at time of hearings. Further, it is a fact judgments are void raised anytime. Has no deadline pursuant to law. I mean so herewith.

STATEMENT OF FACTS

The petitioner states and more further state that according to law It further states within Rules of Judicial conduct that judge shall disqualify himself or herself in a proceeding in which the judges impartiality might reasonably be questioned. Judges further have sworn oath, Judges oath under Rule 502.1 SCACR as well as sworn oath under constitution to honor respect affirm defend and enforce the constitution. The Applicant further states that pursuant to Case of In re Richland County magistrates Court 389 SC 408 in which states in part that: A prosecutor must see that no conviction takes place except in strict conformity with the law, and that the accused is not deprived of any constitutional rights or privileges

STATEMENT OF FACTS

State v. Rayfield 369 SC 106 states that the solicitor and defense counsel are officers of a court of law and are expected and required to have lawful and reasonable bases for motions presented to the trial judge. A solicitor is an officer of the court who represents all the people including the accused and he occupies a quasi-judicial position whose sanctions and traditions he should preserve. State v. Quattlebaum 338 SC 441 states that A prosecutor has special responsibilities to do justice and is held to the highest standards of professional ethics. Appellate Court Rule 407, Rules of Prof. Conduct Rule 3.8, State v. Davis 239 SC 280 while solicitor should prosecute vigorously he must prosecute fairly, for concern of state, whose representative he is, not that defendant shall be convicted but that justice shall be done.

STATEMENT OF FACTS

The Applicant further move to add these cases for PCR case # 2020-CR-10-05357 such cases are In re Taft 413 SC 16, Matter of Snow 823 SE2d 467, Way v. State 764 SE2d 701, In re Gonzala 703 SE2d 210, State v. Westinger 759 SE2d 405, In re Thomas 713 SE2d 253, Matter of Daily 705 SE2d

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STATEMENT OF FACTS

Yang v. Keel 848 SE2d 67, In re Care and Treatment of Miller 685 SE2d 619, and Powell v. Keel 433 SC 457, The Applicant states that he discovered these cases and evidence on Feb 5, 2026, and I move Court to allow this to be accepted in support of pending motions [REDACTED] PCR judgments in pending PCR cases # 2022-CP-10-2017 and 2020-CP-10-05357 pursuant to SCRCP Rule [REDACTED] see also: Doe v. Doe 478 SC 854; Watson v. Underwood 407 SC 443, Rodriguez v. Gutierrez 391 SC 323, Chastain v. H. Habidie 381 SC 508.

CONCLUSION

The Applicant states based upon all these stated facts and cases he is entitled to have both PCR cases granted cases # 2022-CP-10-2017 and 2020-CP-10-05357 as well as have void and unconstitutional judgments vacated with new trial granted and removal from registry as a matter of law and justice to do otherwise would be a total denial of justice, fairness, and due process of law as well as a total denial of equal protection of the laws, further abuse of discretion and error of law.

I move so herewith this motion on this 22nd day of June 2026 Respectfully Submitted By [Signature]
Jerome Curry # 67289

Respectfully Submitted BY [Signature]
On this 22nd day of June 2026
Jerome Curry # 67289

CASE LAWS

Chenning v. Ford Motor Co 550 SE2d 584 (S.C. App. 2001)

Fraud upon the court is fraud which subverts the integrity of the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. Evans v. Gunter 294 SC 525. It has also been defined as fraud that does or at least attempts to, defile the court itself.

CASE LAWS

South Carolina law maintains a distinction between intrinsic and extrinsic fraud. Mr. G. Mrs. G 320 SC 305, 307-08, 465 SE2d 101, 102-03 (Ct. App. 1995) (Hearn J. dissenting). Intrinsic fraud refers to fraud perpetrated and considered in the judgment awarded, including perjury and forged documents presented at trial. Evans, 294 SC at 529, 366 SE2d at 46.

CASE LAWS

By contrast, extrinsic fraud refers to frauds collateral or external to the matter tried such as bribery or other misleading acts which prevent the movant from presenting all of her case or deprives one of the opportunity to be heard. Lightsey &

Flanagan supra at 486; see also Hilton Head Ctr., Inc. v. Pub. Serv. Comm'n 294 SC 9, 11, 362 SE2d 176, 177 (1987). Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Attorney misrepresentation found to be fraud upon the court. See

In re Celso 330 SC 497, 501, 499 SE2d 809, 811 (1998)

- holding, further forgery of signature on court document is fraud upon court

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CASE LAWS

Ray v. Ray 647 SE2d 237, 374 SC 29 (SC, 2007)

Extrinsic fraud induces a person not to present a case or deprives a person of the opportunity to be heard on the other hand intrinsic fraud is fraud which was presented and considered in the trial and which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud Id (citing Hagy v. Pruitt, 339 SC 425, 529 SE2d 714 (2000), Hilton Head Ctr. 294 S.C. at 9, 362 SE2d at 176.

The essential distinction between intrinsic and extrinsic fraud is the ability to discover the fraud

CASE LAWS

In Channing we held the subornation of perjury by an attorney and/or the intentional concealment of documents by an attorney are actions which constitute extrinsic fraud Id at 82, 579 SE2d at 660

CASE LAWS

As we noted in Evans fraud upon the court has been defined as that species of fraud which does or attempts to subvert the integrity of the court itself or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication Evans v. Gunter 294 SC 525, 529, 366 SE2d 44, 46 (1988)

Grounds¹⁰ For Appeal

- (1) PCN Judge abuse his discretion / due process violation
- (2) Judgment based upon error of law & fact / due process violation
- (4) Judgment entered void & unconstitutional / due process violation
- (5) No justification for judgment entered / due process violation
- (6) Judgment entered not based upon findings of fact & conclusion of Law / due process violation
- (7) Judgment entered in violation of due process denial of right to present a lawful defense.
- (8) Judgment entered based upon fraud & conspiracy to deprive civil, & Constitutional Rights

Grounds For Appeal

- (9) Judgment entered in violation of ~~State v. Blair~~ ~~Hearings~~ and SIC Code Section 44-23-430, 44-23-460 conviction without such mandatory requirement. Judge not able to accept guilty plea without having State v. Blair Hearings thus unconstitutional due process violation
- (10) Due Process violation as pursuant to Mel v. Biggers, & Franks hearing violation. PCN Judge knew this & over rode this fact even with evidence & testimony presented.

Grounds For Appeal

- (11) Judgment entered was void & unconstitutional entered in violation of due process fairness equal protection of the laws refusing to vacate known and void judgment in which remains void at all time has no deadline for void judgment which further cannot be enforced nor affirm and upheld must be vacate only.

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Grands For Appeal

(11) PCN Judge erred when not ruling for conviction to be vacated due to guilty plea being void and unconstitutional entered while incompetent mentally ill without findings of whether he was competent to move so forth on in such hearing further while knowing he entered and plead guilty upon the record way before [REDACTED] being advise [REDACTED] of all rights waived by pleading guilty thus due process violation & ineffective assistance of counsel.

Grands For Appeal

(12) PCN Court erred for not vacating conviction void [REDACTED] conviction known no preliminary hearing was held thus due process violation rendering judgment in Court in [REDACTED] General session void void & unconstitutional after [REDACTED] requesting such preliminary hearings and never being provided with one therefore [REDACTED] counsel based upon fraud and conspiracy trick Applicant into waiving presentment of [REDACTED] indictment to satisfy no indictment and for court to accept such waiver knowing waiver of indictment must be [REDACTED] mandatory must be done in writing only which supreme court has strictly [REDACTED] ruled thereof that waiver must be done in writing only. and that oral waiver of [REDACTED] indictment is unconstitutional and invalid

Grounds For Appeal

(13) PCN Judge error by not ruling on Brady violations knowing that evidence withheld two years and two weeks after guilty plea if never withheld would have changed the outcome of the hearing and I would have never pled guilty upon advice of [redacted] counsel to plea guilty

(14) Court erred for not vacating judgment knowing that I was incompetent at time of guilty plea & at time of offense

STATE OF SOUTH CAROLINA

County of ☒ Charleston ☐ Berkeley

Jerome Curry

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case No. 2022-CP10-02017

ORDER

FILED
JULIE J. ARMSTRONG
CLERK OF COURT
2024 MAR 15 PM 1:37

FILED

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No. 6).

2. Motion(s) was/were heard in this case and the court orders: The motion to dismiss and/or for summary judgment is hereby granted denied under advisement, based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

MOTION FOR HEARING COMPETENCY EVAL GRANTED BY COURT

APPLICANT DOES NOT APPEAR COMPETENT AND CAPABLE OF MAINTAINING

ITS P.L.R. PROCEEDING AT THE TIME. GRANTED

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other: _____

6. The court further orders:

The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within _____ days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 03/13/2024

Charleston, S.C.

Court Reporter: Melissa Singletary

Attorney for State: Danielle Dixon

Attorney for Applicant: Pro Se: Blake G. Abbott (G.A.L.)

Presiding Judge

2024-GS-P-04573

Jerome Cony #67289

3841 Leeds Ave

North Charleston SC 29405

CHARLESTON SC 294

3 JUL 2026 AM 1 L



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JUL 09 2026

S.C. SUPREME COURT

Legal mail

Supreme Court of South Carolina

Clerk of Court

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mail

P.O. Box 11330

Legal

Columbia SC 29211

mail

29211-133030

Legal mail

Must Be [redacted]

mailed and post

marked no later

than 7/12/26

per court order

JK