

C.

STATE OF SOUTH CAROLINA
County of Charleston

Jerome Curry

STATE OF SOUTH CAROLINA

VS.

Jerome Curry

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT OF SOUTH CAROLINA
Appellate Case No. 2026-001386

Notice / Motion For Appeal

Preliminary Hearing Judgment Entered on
June 15, 2026, By Magistrate Judge. Due to
Abuse of Discretion & Error of Law. To Be
Heard By Judge Not Connected OR Party To
Pending Civil Rights lawsuit case # 2025-CP-10-
0160 To Avoid ongoing, non stop, conflict of
Interest & To Ensure Justice, Fairness, Due
Process, Equal Protection of The Laws.

RECEIVED

JUL 14 2026

Notice of Appeal

SC Court of Appeals

NOW comes the petitioner with this above entitled motion / appeal to the
judgment entered on June 15, 2026 By the magistrate Judge based
upon abuse of discretion, error of law, as well as based upon
Fraud upon court, false, misleading, statements, made and allowed
at preliminary hearing court without allow rightfully objections.
The petitioner states pursuant to the United States Constitution
he was entitled to due process 5th and 14th Amendment in
which he was denied. The petitioner states that he is incompetent/
mentally ill see one order from Judge attached to this Petition
STATEMENT OF FACTS

The petitioner states that he was not allowed to make rightful
objections the states witness was allowed to commit perjury on
the stand knowingly further based upon Fraud while conspiring
with the solicitor to violate petitioner constitutional rights
under the constitution to due process and fairness. The
petitioner states that the state witness was allowed to enter
evidence without support of evidence made only hearsay

STATEMENT OF FACTS

evidence entered, no statement witnesses, no body cam of the incident, of crime that took place, only thing allowed was false, sham, arrest affidavit, made based upon perjury under oath, fraud upon court, in order for court to find probable cause [REDACTED] where there was no probable cause at all. The state witness was allowed to make these statements without any witness [REDACTED] statements, arrest affidavit, and false sham statement was only statement allowed at preliminary hearing.

STATEMENT OF FACTS

The petitioner states that there was no evidence allowed to be [REDACTED] entered by him to objection to any of the perjury statements entered while under oath by this witness whom as stated before made many false statements yet still allowed. The petitioner move before this Honorable Court herein for this court to look into this matter pending before the courts in order to receive, justice, fairness, and due process.

STATEMENT OF FACTS

The petitioner further states that preliminary hearing was not held until (150) days after request thus in violation of S.C Rules of Criminal Procedure Rule 2 (b) (c) and jurisprudence which states that preliminary hearing is to be held within (10) days upon request failure to do so the magistrate court or judge loses jurisdiction thus further speedy trial violations while not being indicted within (90) days as pursuant to S.C Rules of Criminal Procedures.

JUL 14 2026

SC Court of Appeals

1. (a)

STATE OF SOUTH CAROLINA
County of Charleston
2026 JUN 23 AM 9:24

STATE OF SOUTH CAROLINA
JULIE J. ARMSTRONG
CLERK OF COURT
BY mk

US

Jerome Curry

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Warrant NOCS 2026A100200121-0127

Warrant/Citation # W-10-26-0060

Indictment # 21-G5-10-04573

Notice of APPEAL Towards Judgment Entered
BY Magistrate Judge On June 15, 2026 To
Be Heard BY Judge NOT Connected To Nor
Party To Any Defendants within state Civil Rights
Lawsuit Case # 2025-LP-10-0160 To Avoid
Ongoing Non Stop Conflict of Interest & To
Ensure Justice without Bias or Prejudice
Judgment Entered. Further notice to strike
void Judgment Entered based upon Error of Law &
Abuse of Discretion on June 15, 2026.

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 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 was denied
the right to cross-examine the arresting officer that was at
preliminary hearing yet state allowed to cross-examine defendant,

Notice of APPEAL

The officer that gave testimony was allowed to commit perjury
while under oath before the judge so many times that I
lost count Defendant was not allowed to enter evidence or
cross-examine officer correctly further officer never provide
evidence only evidence was shown, 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 the entire hearing.
I move so herewith this notice of Appeal on behalf defendant.

1(b)

STATE OF SOUTH CAROLINA
County of Charleston

STATE OF SOUTH CAROLINA
Jerome Curry

VS.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT
MOTION FOR FRANKS Hearing, Motion
FOR Neil V. Biggers Hearing & Motion
TO BE Released due to Speedy Trial
Violation TO BE Heard BY Judge
NOT Connected TO NOR Party TO
Pending civil Rights Lawsuit Case#
23-25-CP-10-0160 TO AVOID Ongoing
& NON STOP Conflict of Interest,
Bias and Prejudice Judgment.
File Warrant/Citation # 2026A101020012-0127
Warrant/Citation # W-10-26-0060
Indictment NO # 21-65-10-04573
Further motion TO Strike Judgment Entered on
June 15, 2026 Based upon Error of Law & direction

STATEMENT OF FACTS

Now comes the defendant with this above entitled motions I certify and
declare under penalty of perjury that all statements stated [REDACTED]
herein are true and correct so help me God. The Defendant
move before this Court for a Franks Hearing based upon false
misleading statements made within arrest warrants nos

2026A101020012-0127, Warrant/Citation # W-10-26-0060, indictment
NO: 21-65-10-04573. I further move for Neil V. Biggers
Hearing due to invalid and suggestive one-on-one show-up

STATEMENT OF FACTS

Photo identification of defendant based upon fraud, as well as
motion for fast and speedy [REDACTED] trial violation. The defendant
has been in the Charleston County Jail since January 6,
2026 he has filed for fast and speedy trial; [REDACTED] Neil
V. Biggers hearing and Franks Hearing on Jan 16, 2026, and
January 27, 2026, he has been yet to be heard on
these motions in violation of due process fairness
and equal protection of the laws. The defendant

2(a) STATEMENT OF FACTS

states that his preliminary hearing was held June 15, 2026 even though such hearing was requested since January of 2026 within a timely manner thus magistrate by law loses jurisdiction for refusing to conduct preliminary hearing with (10) days thus still allowed arresting officers that was at preliminary hearing was held in front of violations many times as well as committed perjury over and over again yet allowed further false and misleading statements within arrest affidavit

STATEMENT OF FACTS

and while on stand [REDACTED] under oath committing perjury thus due process violation yet allowed. The solicitor at hearing was allowed to use known false and misleading statements made under oath to still bond

case over before the grand jury in total disregard to the laws, rules, statutes, [REDACTED] Supreme Court rulings, and constitutional state and federal due process. Defendant was denied to cross-examine officer at preliminary hearing

STATEMENT OF FACTS

Judge abuse her discretion and error of law for allowing this no evidence entered only sham false [REDACTED] misleading arrest affidavit and perjury statements made at hearing was enough to have probable cause and [REDACTED] case sent to Court of General Sessions. Rule 5 disclosure shows proof of all false statements allowed Rule 5 violation no Rule 5 presented no police body cam entered even though arrest affidavit refer to body cam never presented no victims or witness statements presented yet all still allowed I move for with this motion and Appeal judgments

2.(b)

STATEMENT OF FACTS

Furthermore probation warrant/citation & indictment in this case pending before this court herein without subject matter jurisdiction and due process violation rendering such void & unconstitutional due to failure to have such done under oath & affirmation before magistrate Judge not connected to case and warrant further not connected to pending civil rights lawsuit case # 2025-CP-10-0160 not therefore connected to any defendants within that pending civil lawsuit nor party in such lawsuit to avoid any conflict of interest or bias, prejudice,

STATEMENT OF FACTS

Judgments, or findings of probable cause for arrest where probable cause for arrest is lacking and there is no evidence to support such as pursuant to Supreme Court Cases of Ohio v. State, and Beck v. State of Ohio. Furthermore this probation & parole violation warrant was never presented before any magistrate as the constitution states further without any signature of magistrate Judge there was no preliminary

STATEMENT OF FACTS

Hearing held, no rule 5 disclosure of evidence provided, pursuant to Rule 5, & Brady v. Maryland, no finding of probable cause, no due process hearing, therefore due to these stated facts such void warrants must be dismissed and further quash. By May 13, 2026 the Defendant by law would have max out sentence 100% of time served further max-out from (SCOC) Dec 1, 2025 (6 months pass 85% time received to serve on terms 85% with 526 jail credit with start date of 5/13/2020 Defendant served 5yr 7 months

2(c)

STATEMENT OF FACTS

Pursuant to S.C Code of Laws Section 17-23-90 Indictment and trial of persons committed for treason or felony consequence of failure to indict If any person committed for treason or felony, plainly and specially expressed in the warrant of commitment upon his prayer or petition in open court the first week of the term to be brought to his trial shall not be indicted sometime in the next term after such commitment the Judge of the Circuit Court

STATEMENT OF FACTS

shall upon motion made in open court the last day of the term either by prisoner or anyone in his behalf set at liberty the prisoner upon bail unless [REDACTED] it appears to him upon oath made that the witness for the state could not be produced at the same term And if any person committed as aforesaid upon his prayer or petition in open court the first week of the

STATEMENT OF FACTS

term to be brought to his trial shall be acquitted he shall be discharged from his imprisonment based upon these stated facts I move for court to honor this statute and law on my behalf I move for court to do this in my case herein today I move so herewith this motion The defendant states further that the [REDACTED] magistrate judge and the state [REDACTED]

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3.

STATEMENT OF FACTS

prosecution where the known facts do not justify a trial. Further the defendant states that pursuant to the United States Supreme Court case of *Snyder v. Massachusetts* it clearly noted and states the Supreme Court stated: that denial of right to be present during a critical stage of the proceeding such as preliminary hearing is due process violation & unconstitutional. The defendant states that when counsel was appointed he requested to be present at preliminary hearing further provided counsel with evidence, cases, and questions to ask at preliminary hearing. Defendant states that it's been over (30) days since demanded for timely preliminary hearing in which by rules of criminal procedure is required to be held within ten days. Furthermore the law in South Carolina further states that when an arrested individual does not receive a probable cause hearing within time required the arrested individual does not bear the burden of proving unreasonable delay.

STATEMENT OF FACTS

Rather the burden shifts to the government to demonstrate the existence of a bona fide emergency or other extraordinary circumstance. A magistrate who adjourns a preliminary hearing for more than the statutory period without the consent of the accused loses jurisdiction further. Thus due process violation as well. Furthermore the law states within South Carolina concerning preliminary hearings that: where a state statute provides that a defendant who is in custody and charged with a felony has the right to a preliminary hearing within a specified number of days after he or she was arraigned.

STATEMENT OF FACTS

or pleads not guilty there is an absolute right to such hearing and absent a waiver such right cannot be impinged upon by the magistrate even on a showing of good cause. A defendant's right to a speedy preliminary hearing is not infringed. The defendant further move before the court and state that according to the Constitution state and federal concerning due process requirements it states: That the requirement of the due process are satisfied in a taking's case if one has reasonable notice opportunity to be heard and to present a claim or defense.

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 law, 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 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 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 (7th ed 2004)

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 officer 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

STATEMENT OF FACTS

The defendant states that according to State v. Garrard 200 SE2d 209 (2010) states that: The court has a shaming 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: Black's Law Dictionary defines willful as proceeding from a conscious motion of the will; voluntary extending 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. Spore 697 SE2d 706. In the context of an alleged violation of probation the Spore

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 (2015) 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 plus original sentence that was imposed by sentencing judge. The defendant states

STATEMENT OF FACTS

That he was sentence to 6 yrs 85% 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 which is invalid further by May 13, 2026, the defendant would have serve 100% of time entire 6 yrs sentence and not 85% on no parole offense in which this conviction further is still pending on PCR case # 2022-CP-10-2017 with (B) hearing held still without judgment entered PCR Judge stated at least and (B) 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 max [REDACTED] parole vacated he has serve entire sentence

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STATEMENT OF FACTS

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 in 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 and no sex person come up was conduct their

STATEMENT OF FACTS

[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

STATEMENT OF FACTS

Hamilton 333 SC at 649 Therefore in these 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.

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 moved on before this court agrees with case in...

STATEMENT OF FACTS

According to 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.

STATEMENT OF FACTS

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 purpose 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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STATEMENT OF FACTS

Ignominy of a prosecution where the known facts do not justify a trial. In the case of *State v. Woods* 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. *Likien v. State* 157 S.E.2d 600 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 state 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

STATEMENT OF FACTS

- magistrate for a judicial determination of probable cause, Furthermore pursuant to American Jurisprudence Second Edition Section 768 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

STATEMENT OF FACTS

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 402 US 297 further stating that the entire 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 prosecutors improper or illegal act involving an attempt to perjure the jury or judge to wrongly convict a defendant or assess an unjustified punishment.

STATEMENT OF FACTS

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 prosecutors conduct and language in the trial of cases in which human life or liberty is at stake should be fair but fair because the prosecutors represents the public interest which demands no victims and ask no conviction through the aid of

STATEMENT OF FACTS

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. Ballardino 429 SC 563 it states 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 (which states that due process prohibits the conviction of an incompetent defendant and that right may not be waived by a guilty plea) USA Courts Amend 14. See also Cee v. State 326 SC 314, State v. Golden 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 480, In Interest of Antonio H. 319 SC 395, and Jeter v. State 308 SC 230. According to SCRAP 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

STATEMENT OF FACTS

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 682 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 402 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. Frazier 394 SC 213, State v. Brown 356 SC 496, State v. Moore 343 SC 287.

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-ups, show-ups, which could 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

This also violates defendant's right to due process see: State v. V. Penno, U.S. v. Wade 388 US 218. Furthermore pursuant to Beck v. State of Ohio 85 SC 223 when constitutional validity of arrest without warrant was challenged it was incumbent on prosecutor to show ~~more~~ specificity than ~~mere~~ fact that someone told police officers something about defendant, ~~if~~ 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.

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 379 US 89 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 1968 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] uncorroborated 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 1968 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

STATEMENT OF FACTS

Furthermore Courts which ~~may~~ 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 incursions that are unlawful and without probable cause. Further according to S.E.C.R.P. rule 5 (3) Time for disclosures states that: The prosecutor shall respond to the ~~defendant~~ 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 ~~the~~ Court. S.C. Code Section 17-13-50 Right to be informed of ground of arrest; ~~consequences of~~ refusal to answer or false answer, (B) See also: State v. DeBerry 157 S.E.2d 637, B Miranda warnings See also: Berdy v. Maryland.

STATEMENT OF FACTS

According to State v. Williams 362 S.C.192 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 S.E.2d 213, 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 S.E.2d 635, See also State v. Maybank 573 S.E.2d 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

STATEMENT OF FACTS

are objectively reasonable when determining if the officers use of force is excessive for the purpose of determining if an arrestee 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 ~~have~~ retain appointed counsel to choose who will represent him USCA 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 USCA 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 nightmares 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 withdrawn from social conduct.

STATEMENT OF FACTS

The defendant states that [REDACTED] according to the cases of *Sanson v. California* US Sup Ct. (2006), *US v. Knights* US Sup Ct (2001) the Supreme Court gives guidelines for probable cause for arrest of defendants on probation or parole. Further, A judge shall and will not issue an arrest warrant unless judge believes there is probable cause. When officers make unlawful arrest without probable cause a judge can later decide that the police lacked probable cause to make [REDACTED] the arrest, and order the charges dismissed and suspect [REDACTED] defendant released. An improperly arrested defendant may be able to bring civil suit against such officers.

STATEMENT OF FACTS

For damages and removal of arrest from defendant's record, Further, more arrest warrant is an ~~arrest warrant~~ ~~to an~~ official signed by a judge (or magistrate) which authorizes a police officer to arrest the person or people named in the warrant. Further, to obtain a warrant a police typically submits a written affidavit to a judge or magistrate. The affidavit given under oath must recite sufficient factual information to establish probable cause that a crime was committed and that

STATEMENT OF FACTS

the person named in the warrant committed it a description so broad that the person named in the warrant committed it. For instance a judge will issue a warrant arrest Rich Johnson based on an affidavit that a liquor store was held up by a bald potbellied man of medium height and Rich Johnson matches that description. That description doesn't establish probable cause to believe that Rich Johnson robbed the liquor store.

STATEMENT OF FACTS

The defendant further states because this vague description would apply to numerous people on the other hand probable cause to arrest Rich Johnson [REDACTED] would be insufficient unless all he was caught committing crime or offense while offense was being committed with unlimited amount of witnesses identifying him as the suspect. Furthermore arrest warrants contain factual mistakes for example the suspect name might be misspelled date of offense not correct the wrong crime might specified ideally to the police should show the warrant to [REDACTED] the suspect or defendant. And if the suspect or defendant is able to prove that the officer has the

STATEMENT OF FACTS

wrong person the officer should not proceed. As a practical matter, however a police officer might not show a warrant to a suspect. In that kind of situation any mistakes as to identity would have to be sorted. And clerical errors, like misspelling a name do invalidate a warrant or wrongful stated dates of offense arrested for without warrant. Thus further evidence of such warrant being void & unconstitutional.

STATEMENT OF FACTS

The defendant states that within the sham, fake, arrest warrant and affidavits all based upon Fraud perjury under oath misleading statements in order to get probable cause and support for arrest without warrant. The defendant states that due to these stated facts such arrest warrants and affidavit must be quash and dismissed as well as vacated without delay to ensure justice, fairness, due process, and equal protection of the laws

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 sworn 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 had 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 their 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] find

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 suspect was black male skinny black T-shirt and grey pants

[REDACTED] 19
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 [REDACTED] suspect was, if suspect had facial hair or not if he was light skin 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 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 detention 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 (2) PCR Judges for pending PCR cases # 2022-CP-COM-2017, B 2020-CP-COM-05357 denied by (SCOG) 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 the judges order for probation indictment and warrant no 21-GJ-10-04573 Filed March 15, 2024 By PCR Judge.

STATEMENT OF FACTS

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 Roger Dixon not incompetent knowing this fact and set bail at \$500,000 (which is excess Bail etc. Amend US Const violation further due to no signature by magistrate as that

STATEMENT OF FACTS

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 undertakes 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

STATEMENT OF FACTS

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

STATEMENT OF FACTS

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 defendants 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
USCA Const Amend 4, 14

STATEMENT OF FACTS

Furthermore in the case of Beck v State of Ohio 85 S.Ct 223 the Supreme Court stated that: when constitutional validity of arrest without warrant is challenged it was incumbent on prosecution to show with considerably more specificity than mere fact that someone told police something about defendant if any actually said to police officers making arrest without warrant and why officers thought information was credible. Good faith on part of arresting officer is not sufficient to withstand attack on constitutional validity of arrest without a warrant. Furthermore the case of State v. Davis 420 S.Ct 50 states: that [redacted] single person show-up are disfavored in the law. See also State v. Frazier 394 S.Ct 13 in which states: that single person and identification procedure are suggestive. See also: State v. Brown 356 S.Ct 446, State v. Moore 343 S.Ct 282

STATEMENT OF FACTS

State v. Moore 540 S.Ct 445 states that single person show ups as showing suspect singly to persons for the purpose of identification and not as part of a line up has been widely condemned. See also: State v. Johnson 427 S.Ct 718, In the interest of Jamal Rashee A. 418 S.Ct 326, Neil v. Biggers 409 US 188, US v. Wade 388 US 218, State v. Denno 388 US 293, Moore v. Illinois state that defendant has a right to counsel during identification procedure including one on-one procedure. Thus violate due process, Furthermore the law in South Carolina states that pretrial identification violates due process

STATEMENT OF FACTS

Where there are suggestive elements in the identification procedure that make it all but inevitable that the victim will identify one person as the culprit. The practice of showing up suspect outside of a line up has been widely condemned. Further stating that a police line up is unduly suggestive if it [redacted] steers the witness to one suspect. The US Supreme Court has expressed strong disapproval of the practice of showing suspect singly rather than part of a line up. Furthermore. Pursuant to South Carolina Jurisprudence Section 26 Resisting Arrest it states: That under South Carolina's law a person has the right to resist an unlawful arrest using whatever force is reasonably necessary under the circumstances. State v. Green

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STATEMENT OF FACTS

441 SE2d 635 In the case of State v Williams 367 SC 192 it states that after examining the holdings in other jurisdictions and our own jurisprudence we conclude that an individual under the appropriate circumstances has the right to utilize the amount of resistance necessary to defend himself in the event excessive force is utilized incident to a lawful arrest. Furthermore the law states when an officer law enforcement officer is using unlawful use of force he is not performing his job duties further showing conduct of unlawful procedures and therefore cannot later charge any defendant with resisting arrest and assault under these circumstances even if arrest is lawful. Furthermore in the case of Kisela v Hughes 584 US 160 the Supreme Court stated that the question whether a police officer has used excessive force in violation of the fourth amendment

STATEMENT OF FACTS

requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest by Flight The Defendant moves before this Court herein with this motion and affidavit statement in support thereof attached could have not get notary to notarize if staff refused accept still without notary cannot make staff do that.

STATEMENT OF FACTS

§

Conclusion

Further move the Defendant move to have charges dismissed and PR Bail Granted due to all these stated facts herein lack of probable cause for arrest due process violation, Further due to delay in Preliminary hearing, which was required to be held within (10) days of request pursuant to Rules of Criminal Procedures in which it has been passed (30) days to be filed in this Court of General Sessions Ninth Judicial Circuit AS well as forward and file with the Preliminary Hearing Court. I move so herewith pro se due to pending motion to have Counsel Morgan Taylor removed due to conflict of interest I move so herewith,

No Probable Cause For Arrest

- (1) What was the defendant doing other than standing by the Denmark Vessey statue further other than drinking when officer saw him?
- (2) When you saw defendant standing by the Denmark Vessey statue what was he stating at that time?
- (3) Is it unlawful for a person blackmale to be standing by Denmark Vessey statue is that a criminal offense?
- (4) Was the defendant within a sound mind at time of arrest within anytime that you try to speak with him?
- (5) Was the defendant manic at time of arrest?
- (6) Did the defendant stand to fight you officers once he saw you or did he try to flee and turn his back to ran away from your officers?
- (6) Can you or would you present the arresting officers body cam to support your claims of the defendant assaulting your officers and every thing that you stated that took place should not your police body video cam support this why not then present it before the court as evidence of your claims?

25
NO PROBABLE CAUSE FOR ARREST

- (7) Did not the arresting officers while the defendant was layed out cold in hospital bed strap and hand cuff to bed take photo of defendant which was later shown to them victim in one person show -up photo instead of a line up?
- (8) was the identification of this one person show up of the defendant presented to victims while they were together or while they were one by one not together?
- (9) Can you present this court here today with evidence police body cam of incident as proof of inwhich you stated and claim defendant assaulted your arresting officers please submit such to court then to support your claims of assault?
- (10) IS it lawful to show one person photo show up to victims of any suspect without photo line up is this not unlawful and due process violation as well as suggestive identification?
- (11) Can you present police Body video cam of officers showing one person show-up to victims of the defendant inwhich you stated victims identified defendant as the suspect that committed this unlawful offense?

(12) If the cart would take away suggestive photo show-up as well as apply fact that defendant did not match description physical or clothing of suspect away from the arresting officers what would they have left to support probable cause for arrest?

(13) What was suspect defendant wearing at time of arrest color of clothing explain?

(14) How tall was suspect said to be?, how many pounds was suspect said to be?, How old was suspect said to be?, was suspect wearing a hat or not or did suspect have hair or not? was suspect said to be [redacted] light skin or dark skin black male? was it said if suspect had any facial hair or not? explain to court [redacted] so that court can know how defendant match such description?

(15) Do you have police Body Cam of when victim was shown photo of defendant in which you stated that victims identified defendant as [redacted] suspect can you show court video body video cam of this fact?

NO Probable Cause FOR Arrest

(16) If the Court take away suggestive one on one photo -
 Show up further take away description given in which
 the defendant did not match such description what
 then would the arresting officers have to support
 probable cause for arrest?

(17) When officers saw the defendant standing by the
 Denmark vessey statute was he wearing a black
 T-shirt and gray pants or was he wearing
 a black T-shirt and black sweat pants?

Sworn Affidavit of Facts

I, Jerome Amy certify and declare under penalty of perjury that all statements stated herein are true and correct so help me God.

On January of 2026 date of said arrest stated within arrest affidavit under oath that defendant knowingly willingly and unlawfully without being mentally incompetent violated South Carolina Code of Laws Section 16-9-320 (B) § 24-13-0470 Further this arrest warrant & affidavit stated on page (1) that the city of Charleston police officers in fully identifiable (CRD) Issued uniforms without letting defendant know that they were officers and without reading the defendant his rights Sworn Affidavit of Facts

or stating why he was being questioned or detain and not free to leave they further stated that they were responding to call of defendant exposing himself [redacted] to victims without any evidence or witnesses, further without no video recording on any cell phone of the defendant exposing himself to [redacted] victims like witness victim stated as according to arresting officers Sworn Affidavit of Facts

Officers stated that defendant match the physical and clothing description of suspect which was black T-shirt with gray pants even though defendant was found wearing a black T-shirt and black sweat [redacted] pants all [redacted] blacks

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Sworn Affidavit of Facts

there was never given how [redacted] suspect look [redacted] if suspect had [redacted] facial hair or not never given how tall suspect was if suspect was [redacted] wearing something on his head or if suspect even had [redacted] ^{hair} at all or if suspect wore a hat or not. Just black male black t-shirt gray pants whom in which could have been a very large amount of people not including the defendant

Sworn Affidavit of Facts

Suspect was further stated to assault officers in which all was recorded on video cam body cam of the arresting officers if this is true and fact where is the video body cam of the arrest to support this claim. Suspect saw officers and try to run flee away from them in the process of that he Fell face down into the ground.

Sworn Affidavit of Facts

In which officers [redacted] jump on the defendant's back and started choking [redacted] defendant and slamming his face into the ground while also punching him this while also in [redacted] handcuffs until [redacted] defendant pass at this unlawful use of force

The defendant moves for officers to turn over police body cam to ^{show} [redacted] if [redacted] he assaulted these officers which [redacted] they stated that within their [redacted] arrest affidavit that their police body video cam [redacted] shows this

I move them to present this video body cam as evidence to support this then,

3.0
Sworn Affidant of facts

The arrest affidavit further states that officers stated that when they came to the place where crime was said to be committed witnesses and victims stated that defendant that did this to them was [REDACTED] standing by the Denmark Vesey statue. How is this true if officers had to wait until the [REDACTED] defendant was in hospital at [REDACTED] cold [REDACTED] handcuff to hospital bed to take pictures of

Sworn Affidant of facts

back

the defendant to be taken [REDACTED] to the victims and shown to them which thereafter officers [REDACTED] stated that both victims identified the defendant [REDACTED] as the suspect further thus suggestive to [REDACTED] take [REDACTED] single person photo to suspect shown while they were [REDACTED] together murder to show

sworn Affidant of facts

To [REDACTED] victims to be [REDACTED] identified as the suspect further ~~without~~ without counsel present knowing SC Supreme Court and US Supreme Court stated that single person show-up of photo is suggestive unconstitutional and violated due process, as well as unlawful.

I, Jerome Carry, certify and declare under penalty of perjury that all statements stated herein are true and correct so help me God. I further state that this statement is being given willingly on this 4th day of Feb 2026.

On January of 2026 date of said arrest stated within arrest affidavit it clearly states under oath that I, defendant knowingly, willingly, and unlawfully violated South Carolina Code of Law Section 16-15-130. Further stating that I approach two white females exposing myself to them broad day light while several adults and children were around present at the park while this all occurred yet no one stated that they saw what so called victims saw no witness to this. Further stating that I defendant stated to both victims "I am going to fuck you with this dick", "I know you want this horse dick" All while at the same time approaching both victims this page (1) also stating that several bystanders began to direct officers to the Denmark vesey monument stating suspect was over there in which they stated officers stated they began to detain suspect without explaining ~~why~~ they did this further without reading me my rights or stating why they even wanted to detain me speak with me

SWORN AFFIDAVIT OF FACTS

Then further stating that I physically resisted only after running away from them and falling on the ground face first in which these officers physically assaulted me using unlawful use of force punching me in the face, body, ribs, choking me slamming my face into the dirt handcuffing me and still punching me as I was on the ground further choking me until I black out all while face down in dirt with handcuffs behind my back before bleeding out due to being choke out by these officers I stated to them I can't breathe in which I had no choice but to defend myself against unlawful use of physical force and assault always used on me by officers of law

page (2) of this arrest affidavit goes on to state officers stated that due to me being transported to nearby hospital I defendant was photographed for what reason if I already was label and held as suspect and defendant already reason for detaining me I defendant further shall shed due to officers

Sworn Affidavit OF FACTS

that assault him with over (70) or more attempts upon his life. By police officers and correctional officers even done a day or two prior to this incident further while incompetent/mentally ill suffering from PTSD, Bipolar Disorder, Paranoid Schizophrenia, and anti social disorder left untreated 5 years 7 months even with mandatory court orders by 7 Judges see pending PCR case# 2022-CP-10-2017, 2020-CP-10-05357 further reason for civil rights lawsuit case# 2025-CP-10-0660 treated as inmates mental health inmates in case of TRC.V. South Carolina Department of Corrections case # 2005-CP-40-2925. Due to this Defendant shell shock further reason for slurred speech not due to intoxication of alcoholic beverage but due to untreated treatments for serious mental illnesses 5 years 7 months all while being declared and held to be incompetent/mentally ill By PCR Judge order December 19, 2024, Honorable ms. Newman of Columbia, SC along with (6) other PCR Judges orders and findings by SC Dept of mental health see PCR case# 2022-CP-10-2017, & 2020-CP-10-05357 as evidence to this fact. Furthermore officers stated that they commanded Defendant not to

Sworn Affidavit OF FACTS

Leave the area without stating why he was being stop or detained further without warrant or probable cause further stating since defendant refuse to obey they took Defendant down defendant ran and fell down in which then officer jump on top of the defendant to use unlawful use of force against the defendant yet officer stated that the defendant punch Sgt mckinney in throat area kicking officer Arguellow's left arm and chest area further punching officer mattings in the face

SWORN AFFIDAVIT OF FACTS

✓
I, Jerome Curry, certify and declare under penalty of perjury that all statements stated herein are true and correct so help me God. I further state that this statement is being given willingly on this 4th day of Feb 2026.

On January of 2026 date of said arrest stated herein under oath that I, defendant knowingly, willingly, and unlawfully violated South Carolina Code of Law 16-9-320(B) & 24-13-0420. Further this arrest ~~affidavit~~ stated on page (1) that city of Charleston Police officers in fully identifiable (CPD) issued uniforms without reading defendant his rights or stating why he was being detain and not free to leave they further stated that they were responding to call of defendant already label as suspect before any investigation arrest then investigate further stating defendant expose himself to victims without any evidence other than statement, their word against my word no witness to this at all no videos recorded at all whatsoever further stating that addition

SWORN AFFIDAVIT OF FACTS

Calls where made never stating by who that defendant was yelling at people within the park further never stating what he was yelling to these people within the park that made this call and report Furthermore stating officers observed the defendant to match the suspect physical and clothing description in which was never stated nor given within this arrest affidavit at all whatsoever as well as officers stating that defendant had a alcoholic beverage was verbally uncooperative with (CPD) without them still never stating why they were detaining the defendant and - why he was not free to leave further n stating or reading him his rights. They further stated that the defendant began to walk away from officers in which the defendant ran away from officers in fear of his

Sworn Affidavit OF FACTS

to assault him with over (70) or more attempts upon his life by police officers and correctional officers even done a day or two prior to this incident further while incompetent/mentally ill suffering from PTSD, Bipolar Disorder, Paranoid Schizophrenia, and anti social disorder left untreated 5 years 7 months even with mandatory court orders by 7 Judges see pending PCR case# 2022-CP-10-2017, 2020-CP-10-05357 further reason for civil rights lawsuit case# 2025-CP-10-0160 treated as inmates mental health inmates in case of TRC, V. South Carolina Department of Corrections case # 2005-CP-40-2425. Due to this Defendant shell shock further reason for slurred speech not due to intoxication of alcoholic beverage but due to untreated treatments for serious mental illnesses 5 years 7 months all while being declared and held to be incompetent/mentally ill By PCR Judge order December 19, 2024, Honorable Mr. Newman of Columbia, SC along with (6) other PCR Judges orders and findings by SC Dept of mental health see PCR case# 2022-CP-10-2017, § 2020-CP-10-05357 as evidence to this fact. Furthermore officers stated that they commanded Defendant not to

Sworn Affidavit OF FACTS

Leave the area without stating why he was being Stop or detained further without warrant or probable cause further stating since defendant refuse to obey they took Defendant down defendant ran and fell down in which then officer jump on top of the defendant to use unlawful use of force against the defendant yet officer stated that the defendant punch Sgt McKinney in throat area kicking officer Arguellow's left arm and chest area

Sworn Affidavit OF FACTS

✓
nose as well as stating the defendant throw bodily fluids on them along with dirt in their face all based upon unlawful use of force being used by arresting officers upon defendant for unlawful detainment, stop, arrest, assault, with cover-up further without probable cause, All while incompetent/mentally ill

Sworn Affidavit OF FACTS

The defendant was choke until back at beaten face slam into the dirt even while after in hand cuffs in which was placed behind his back. Further charging defendant with throwing bodily fluids upon a correctional officer in which statute states defendant must be prisoner or inmate further officer must be correctional officer working within prison or County Jails not law enforcement officer or officer of peace further [REDACTED] know and declared mentally ill defendant and incompetent declared as such by the courts See: PCR case # 2022-CP-10-2017 2020-CP-10-05357 and civil Rights Case # 2025-CP-10-0000 with Court appointed Guardian Ad Litem Appointed Rose Dixon and reason for being appointed. Due to Defendant being declared incompetent/mentally ill suffering from untreated mental illnesses. Untreated 5 years and 7 months

Sworn Affidavit OF FACTS

Defendant further not inmate or prisoner further not guilty until proven guilty. Defendant further arrested without due process or probable cause for arrest, detainment, assault and charged.

STATE OF SOUTH CAROLINA
County of Charleston

FILED

2026 JUN 23 AM 9:24

STATE OF SOUTH CAROLINA

JULIE S. ARMSTRONG
CLERK OF COURT

BY mk

VS.

Jerome Cury

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

warrant no. 2026AL010200121-0127

warrant / citation # W-10-26-0060

indictment # 21-95-10-04573

AFFIDAVIT OF SERVICE BY MAIL

1. I am the above entitled Defendant within this case that I am presenting this motion on behalf of [REDACTED] defendant,

2. I certify and declare under penalty of perjury that all statements stated herein are true and correct and I have given notice to all parties listed below by placing in officer's hands to mail to all defendants listed below on this 15th day of June, 2026

Respectfully Submitted BY LSL

Charleston County Clerk of Court

Julie S. Armstrong

100 Broad Street, Suite 106

Charleston SC 29401

South Carolina Solicitor General's Office

Scarlet Wilson

OT, Wallace County office Bld.

4th Floor 101 meeting Street

Charleston SC 29401

STATE OF SOUTH CAROLINA
 County of Charleston
 Jerome Curry
 STATE OF SOUTH CAROLINA

VS.

Jerome Curry

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT
 AFFIDAVIT OF SERVICE BY MAIL
 Appellate CASE No. 2026-001386

RECEIVED

JUL 14 2026

SC Court of Appeals

AFFIDAVIT OF SERVICE BY MAIL

- (1) I am the above entitled petitioner in this case being presented before this court herein pro se.
- (2) I certify and declare that all parties listed below has been given notice of this petition on this 9th day of July 2026
 By placing in the hands of the officer to be mailed to all addresses listed below on this date.

Respectfully Submitted By LSI

South Carolina Supreme Court

Clerk of Court

P.O. Box 11330

Columbia SC 29211

Charleston County Solicitor

Office / 4th floor 101

Meeting Street Charleston SC
 29401

STATEMENT OF FACTS

The petitioner move before this court to review this case in order to get rightful judgment entered herein thus judgment is void and unconstitutional a void judgment is any judgment entered without due process, personal jurisdiction, or subject matter jurisdiction mainly due process violation in the petitioner's case. A void judgment is if no judgment has been entered at all it binds no one.

STATEMENT OF FACTS

A void judgment can be raised at anytime once a judgment is void it remains void for all time cannot be enforced, affirmed, supported, nor upheld must be vacated. once a court has been notified of a void judgment its mandatory not discretionary to have known void judgment vacated to do otherwise would be a total denial of justice, fairness, equal protection of the Laws.

Conclusion

I move before this court herein to vacate this known void & unconstitutional judgment further entered in violation of SC Code of Laws Section 17-23-90. The petitioner states that he is entitled to have judgment by the magistrate vacated by this court in which has jurisdiction to vacate this known void judgment due to these stated facts to do otherwise would be denial of justice, I move so herewith this petition herein with this petition.

Supreme Court of South Carolina

July 9, 2026

Clerk of Court

P.O. Box 11330

Columbia SC 29211

RECEIVED

JUL 14 2026

SC Court of Appeals

Re: Jerome Curry vs. State of South Carolina
Appellate case no: 2026-001386

Dear Clerk of Court;

Enclosed is petition / notice / appeal towards judgment that was entered on June 15, 2026, no judgment or order was given to me at all. I request that this court send me back a stamp clock and filed copy of this petition to me as my record of court receiving this petition. I have no access to court website or email and this is the only original copy that I am sending to the court herein furthermore Re to staff not mailing out all my legal documents it would be impossible to know court receive this document therefore I move court to send me back a stamp clock and file copy of this petition / appeal / notice. Be advised that the petitioner is incompetent / mentally disable while sending this document without any legal assistance I move court to take all of this into consideration when accepting reviewing and placing this petition on the docket for court to receive see attachment, with this letter herein

Thank you for your time and truthful assistance and
may you have a blessed and peaceful day.

Very

Truly

ISI

A handwritten signature in dark ink, featuring a large, stylized initial 'J' followed by a series of loops and a long horizontal stroke extending to the right.

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

July 9, 2026

RECEIVED

JUL 14 2026

SC Court of Appeals

Re: The State v. Jerome Cony

Appellate Case no: 20261386

Note

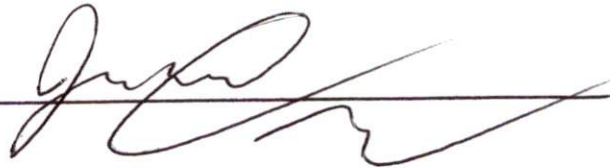
P.S I also filed appeal towards the preliminary hearing that was held on June 15, 2026 ~~we~~ don't know which case you are talking about you sending me a copy of it

Dear, Clerk of Court;

I'm writing you about the notice of appeal that was sent due to me being incompetent/mentally ill denied treatment to be restored since 2020 I am not able to comply with proper format further doing this notice of appeal without any legal assistance it would be impossible for me to know how to present this case without a guardian ad litem or counsel pursuant to SCRPC Rule 17 therefore I move Court appoint such counsel and accept appeal as sent See attachments with this letter herein. I request that you send me back a stamp clock and file copy to me for my records otherwise I would not know Court have received any document due to no access to Court website, certain addresses etc. Thank you for your time and faithful assistance, very

Truly

WSI



P.S. note

I received your letter date July 2, 2026 on July 9, 2026 accept as mailed due to date receiving on July 9, 2026. Thanks

J.C

Enclosed see copy of Notice of Appeal re-submitted for PCR/case # 2020-CP-10-05357,

Jerome WNY #67289

3841 Leeds Ave

North Charleston SC 29405

RECEIVED

JUL 14 2026

SC Court of Appeals

Legal mail

South Carolina Court of Appeals
Clerk of Court

Legal

P.O. Box 11629

mail

Columbia SC 29211

Legal

mail

Legal mail



Must Be mailed
and postmarked
no later than 2/10/26
per court order
JLC