

Mr. Hearse,

May you pretty please send this along with my case to the
Court please this is my last one sir and I seriously
will feel very comfortable ~~to be~~ inside my body
that the judges receive this brief.

I seriously just ran into a section
of the law that my eyes was not
open to.

I THANK YOU KIND SIR

RECEIVED

DEC 05 2013

S.C. SUPREME COURT

Sincerely yours,

TAYLOR CAMPBELL #261273

L.C.I.

990 WISACKY HWY.

BISHOPVILLE, S.C. 29010

Dec. 2, 2013

RECEIVED

DEC 05 2013

SC Court of Appeals

DEAR CHIEF JUSTICE AND JUDGES PRESIDING OVER THE CASE,

I SERIOUSLY APOLOGIZE FOR CONSTANTLY REPEATING MYSELF AS YALL, YOU ALL READ MY BRIEF, I AM NOT NO ACTUAL LAWYER, I JUST CAME ACROSS LANGUAGE THAT PERTAINS TO MY CASE OF THE LAW THAT MEANS A WHOLE LOT AND I HAVE STUMBLED ACROSS THIS LANGUAGE AFTER I CAME FROM THE POST CONVICTION RELIEF COURT AND I SERIOUSLY UNDERSTAND THE PROCESS OF DUE PROCESS PERTAINING TO MY CASE SO I EXPLAINED IT THE BEST WAY I COULD FROM THE LAW POINT OF VIEW.

BY LAW I DID NOT RECEIVE A FAIR TRIAL OF THE STATE PROVES EVERY ELEMENT OF THE OFFENSE BEYOND A REASONABLE DOUBT.

I JUST HOPE I'M NOT TROUBLEING YOU ALL OFF THE WAY MY BRIEF IS COMING TO THE COURT, I AM THE ONLY ONE CONCERNED ABOUT MY RIGHTS AND I AM SHOWING YOU THROUGH THE LAW THAT I AM INNOCENT ALSO

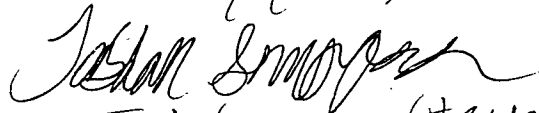
WIND YALL I AM ON LOCK UP SINCE 2007 AND I'M NOT ABLE TO READ ON WESTLAW EVERYDAY AS THE ATTORNEY GENERAL YOU ALL AND WHOMEVER ELSE THAT HAS ACCESS TO THE INTERNET. I'M NOT ABLE TO STUDY LIKE EVERYONE ELSE IS, MY ACCESS TO THE LAW/ LANSWORK IS VERY VERY LIMITED. ITS HARD ON MY END TO STUDY EVERY SECOND OF THE DAY AS I REALLY WOULD LOVE TO DO WITH THIS TIME I GOT JUST SITTING IN A CELL 24 HOURS A DAY.

THANKS FOR ACCEPTING MY CASE.

I'M JUST SHOWING A INEFFECTIVE CASE AND DUE PROCESS CASE AND AN INNOCENT PERSON CONVICTED ON CHARGES WITHOUT A FAIR TRIAL.

P.S. I WISH I COULD GO BACK THROUGH A POST CONVICTION RELIEF HEARING TO SAY IT DEPENDS ON THE PAPER LIKE I SUPPOSE TO NOW THAT I KNOW WHATS GOING ON.

Sincerely yours,



TASHON SIMPSON #26/273

990 WISACKY HWY. / Lee C.I.

BISHOPVILLE, S.C. 29010

Dec. 2, 2013

STATEMENT OF ISSUE

DID THE Post Conviction Relief Judge ERROR IN RULING TRIAL COURT WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INDICTMENT IN ACCORDANCE WITH S.C. CODE ANN. SECTION 17-19-90?

DID THE Post Conviction Relief Judge ERROR IN RULING THE CIRCUIT COURT LACKED SUBJECT MATTERS JURISDICTION OVER APPELLANT CASE DUE TO THE NOT BEING AN INDICTMENT WHICH SUFFICIENTLY STATED THE TIME & PLACE OF THE VICTIMS DEATH THAT THE STATE BEEN INTENDING TO PROVE AT TRIAL?

DID THE TRIAL COURT ERROR AND THE Post Conviction Relief COURT ERROR IN RULING THAT THE AMENDMENT DID NOT VIOLATE DUE PROCESS OF LAWS?

WAS THAT INDICTMENT SUFFICIENT TO PUT APPELLANT ON NOTICE OF ANY OTHER OFFENSES ALLEGED OUTSIDE OF THE INDICTMENT?

TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE SUFFICIENCY OF THE INDICTMENT BEFORE THE JURY WAS SWORN IN IN ACCORDANCE WITH S.C. CODE ANN. SECTION 17-19-90.

THE UNITED STATES SUPREME COURT HAS RECOGNIZED THAT THE SIXTH AMENDMENT RIGHT TO COUNSEL EXISTS AND IS NEEDED IN ORDER TO PROTECT THE FUNDAMENTAL RIGHT TO A FAIR TRIAL. THE CONSTITUTION GUARANTEES A FAIR TRIAL THROUGH THE DUE PROCESS CLAUSES, BUT DEFINES THE ESSENTIAL ELEMENTS OF A FAIR TRIAL LARGELY THROUGH THE SEVERAL PROVISIONS OF THE SIXTH AMENDMENT, INCLUDING THE COUNSEL CLAUSE:

"IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL; BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED; WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE."

DUE PROCESS MEANS NOTICE AND AN OPPORTUNITY TO RESPOND. NOTICE MUST BE SUFFICIENT TO MAKE THE OPPORTUNITY USEFUL.

DUE PROCESS IS THAT "NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW." NO PRINCIPLE OF PROCEDURAL DUE PROCESS IS MORE CLEARLY ESTABLISHED THAN THAT NOTICE OF THE SPECIFIC CHARGE, AND A CHANCE TO BE HEARD IN A TRIAL OF THE ISSUES RAISED BY THAT CHARGE, IF DESIRED, ARE AMONG THE CONSTITUTIONAL RIGHTS OF EVERY ACCUSED IN A CRIMINAL PROCEEDING IN ALL COURTS, STATE OR FEDERAL.

IN SOUTH CAROLINA, SOUTH CAROLINA CONSTITUTION ARTICLE ONE SECTION ELEVEN PROVIDES: "NO PERSON MAY BE HELD TO ANSWER FOR ANY CRIME THE JURISDICTION OVER WHICH IS NOT WITHIN THE MAGISTRATES COURT; UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY OF THE COUNTY WHERE THE CRIME HAS BEEN COMMITTED EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES OR IN THE MILITIA WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER." THE RIGHT TO BE CHARGED BY AN INDICTMENT IS ALSO CODIFIED IN S.C. CODE ANN. SECTION 17-19-10. THE SUPREME COURT OF SOUTH CAROLINA HAS HELD THAT "[A] DEFENDANT IN A CRIMINAL CASE IS ENTITLED TO BE TRIED ON THE CHARGES SET FORTH IN THE INDICTMENT."

THE OPENING OF APPELLANT'S CASE BEFORE THE JURY WAS SWORN IN WENT AS FOLLOWS:

MR. SABB: THANK YOU, YOUR HONOR. IF IT PLEASURES THE COURT. AT THIS TIME THE STATE WOULD CALL INDICTMENT NUMBER 04-132, THE STATE VERSUS TASHON SAMPTSON AND JOSEPH WILSON. YOUR HONOR, IT'S AN INDICTMENT FOR MURDER, ARMED ROBBERY, CRIMINAL CONSPIRACY, AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. MR. JOSEPH WILSON IS REPRESENTED BY ATTORNEY CHARLES DAVID BAKER. MR. TASHON SAMPTSON IS REPRESENTED BY ATTORNEY LEBRON CARRAWAY AND YOUR HONOR, WE ARE READY FOR TRIAL.

THE COURT: I'M GOING TO HAVE YOU CALL THAT OUT, THOUGH.

MR. SABB: YES MA'AM. I HAVE A COPY.

THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE JURY PANEL, YOU HAVE HEARD THE STATE CALL THE CASE OF THE STATE VERSUS TASHON SAMPTSON AND JOSEPH WILSON. THEY HAVE BEEN CHARGED WITH THE OFFENSES OF MURDER, ARMED ROBBERY, CRIMINAL CONSPIRACY, POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. NOW, I TELL YOU THIS TO ASK YOU THIS QUESTION. LET ME ALSO STATE THAT IT WAS ALLEGED THAT THESE OFFENSES DID OCCUR ON OR ABOUT FEBRUARY 17, 2003. IT IS ALLEGED THAT THE DEFENDANTS DID KILL A FEMALE NAMED LILA TERRY.

I TELL YOU THIS TO ASK YOU THIS QUESTION. IS THERE ANY MEMBER OF THE JURY PANEL WHO HAS ANY INFORMATION WHATSOEVER REGARDING THESE ALLEGED OFFENSES, AGAIN ALLEGED TO HAVE OCCURRED ON OR ABOUT FEBRUARY 18, 2003. IF SO, PLEASE STAND.

TRIAL COUNSEL SHOULD HAVE THEN OBJECTED TO THE SUFFICIENCY OF THE INDICTMENT ONCE THE TRIAL JUDGE VERBALLY CHARGED THE DATE ALLEGING THAT THE OFFENSES DID OCCUR ON OR ABOUT FEBRUARY 17, 2003 AS THE ORIGINAL INDICTMENT STATES TO ALLEGED TO HAVE OCCURRED ON OR ABOUT FEBRUARY 18, 2003.

TRIAL COUNSEL CLEARLY KNEW THAT APPELLANT WAS INFORMED OF FEBRUARY 17, 2003 TO DEFEND AGAINST ON AUGUST 23, 2004 ONCE INDICTED OR EITHER SOME ODD DAYS AFTER BEING INDICTED AND ALSO TRIAL COUNSEL WAS AWARE THAT THE AUTOPSY REPORT SAID THAT THE VICTIM DIED ON FEBRUARY 18, 2003.

TRIAL COUNSEL KNEW HIS DEFENSE HE PREPARED FOR APPELLANT WHETHER PRESUMPTION OF INNOCENCE, ALIBI, OR WHATEVER DEFENSE IT IS HE HAD PREPARED TO ENTER TRIAL THAT IT WAS FOR FEBRUARY 18, 2003 OFFENSES AND NOT FEBRUARY 17, 2003 OFFENSES AS ALLEGED IN THE INDICTMENT.

TRIAL COUNSEL WAS HIGHLY AWARE OF APPELLANT'S DUE PROCESS RIGHTS, SUPPOSEDLY, BUT DID NOT DISCUSS THEM WITH APPELLANT BECAUSE IF TRIAL COUNSEL WOULD HAVE BROUGHT TO APPELLANT ATTENTION THAT THE "INDICTMENT IS SUFFICIENT TO PLACE YOU ON NOTICE OF OFFENSES FOR FEBRUARY 17, 2003 MURDER BECAUSE IT DOES STATE THE TIME AND PLACE OF A VICTIM'S DEATH AND IT DESCRIBES A MANNER IN WHICH THE DECEASED WAS KILLED AND THAT YOU HAVE A CONSTITUTIONAL AND STATUTORY RIGHT TO DEMAND THAT A PROPERLY CONSTITUTED GRAND JURY CONSIDER YOUR CASE AND DECIDE WHETHER TO ISSUE A SUFFICIENT INDICTMENT THEREFORE THE STATE DID THAT ALREADY BY RETURNING THIS INDICTMENT AGAINST YOU AND THE STATE WILL NOT BE ABLE TO UPHOLD THEIR BURDEN OF PROOF BEYOND A REASONABLE DOUBT TO THE JURY TO WHOM THEY ARE ENTITLED TO THEM YOU WILL BE FOUND NOT GUILTY BECAUSE THE STATE HAVE NO EVIDENCE TO PROVE THOSE ALLEGATIONS, THEY ONLY HAVE EVIDENCE FOR FEBRUARY 18, 2003 OFFENSES THAT YOU WAS NEVER PUT ON NOTICE OF BY/THROUGH DUE PROCESS OF LAW BY AN INDICTMENT TO PREPARE A DEFENSE AGAINST, ELECT TO STAND TRIAL OR PLEAD GUILTY AGAINST, YOU DO HAVE A SIXTH AMENDMENT RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION WHICH IS ADEQUATE NOTICE

AND A MEANINGFUL OPPORTUNITY TO BE HEARD ON THOSE MERITS THEREFORE BEING THAT THE STATE CAN NOT PROVE THEIR BURDEN OF PROOF BEYOND A REASONABLE DOUBT OF THE ORIGINAL INDICTMENT I WILL MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT AND YOU WILL BE PROTECTED BY THE DOUBLE JEOPARDY CLAUSE PERTAINING TO MURDER." IF TRIAL COUNSEL WOULD HAVE INFORMED APPELLANT OF THE APPLICABLE LAW LIKE THAT THEN APPELLANT WOULD HAVE MADE THE INTELLIGENT DECISION HIMSELF TO CHOOSE TO MOTION TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT SO THAT APPELLANT WOULD NOT RECEIVE THIS UNLAWFUL LIFE SENTENCE (LIFE WITHOUT THE POSSIBILITY OF PAROLE).

TRIAL COUNSEL DID NOT INFORM APPELLANT THAT THE STATE MAY NOT AMEND THE INDICTMENT AS TO TIME OF DEATH AS THE STATE DONE AT APPELLANT'S TRIAL BECAUSE TIME IS A ELEMENT OF THE OFFENSE OF MURDER TO MAKE THE NOTICE SUFFICIENT TO PREPARE A DEFENSE AGAINST. TRIAL COUNSEL FAILED TO INFORM APPELLANT OF THE APPLICABLE LAW TO ASSIST APPELLANT DEFENSE AS TO THE TIME OF DEATH.

TRIAL COUNSEL DID NOT INFORM APPELLANT THAT THE COURT SHALL AMEND THE INDICTMENT BEFORE WHICH THE TRIAL SHALL BE HAD "MAY AMEND THE INDICTMENT... WHICH IS REQUIRED BY S.C. CODE ANN. SECTION 17-19-100 TO DO IN A MANNER THATS TIMELY, THE APPROPRIATE WAY. THEREFORE THE STATE MAY NOT BE ABLE TO RE-INDICT YOU FOR MURDER BY LAW BECAUSE YOU ARE SAFEGUARDED BY THE CONSTITUTIONAL AMENDMENTS. TRIAL COUNSEL FAILED TO INFORM APPELLANT OF THE APPLICABLE LAW TO ASSIST APPELLANT DEFENSE TO RECEIVE A JUST VERDICT.

TRIAL COUNSEL INVESTIGATION OF THE FACTS AND CIRCUMSTANCES OF THE CASE WAS PERTAINING TO FEBRUARY 18, 2003 OFFENSES WHICH WAS MATERIALLY DIFFERENT OF THE ALLEGATIONS ALLEGED IN THE INDICTMENT.

TRIAL COUNSEL SHOULD HAVE MOTION TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT BECAUSE BY COUNSEL SEEING THE DATE OF FEBRUARY 17, 2003 SHOULD HAVE AUTOMATICALLY MADE THE SOUND DECISION BY LAW TO MAKE THAT MOTION TO RECEIVE A JUST FAVORABLE RESULT AS THE LAW REQUIRES SO THAT APPELLANT MAY NOT RECEIVE A UNLAWFUL SENTENCE AS HE DONE GOTTEN MURDER WHICH IS A LIFE WITHOUT THE POSSIBILITY OF PAROLE SENTENCE AND THAT APPELLANT MAY RECEIVE A FAIR TRIAL OF WHAT HE IS ENTITLED TO.

TRIAL COUNSEL SHOULD HAVE KNOWN A FAIR TRIAL ITSELF IS LARGELY DEFINED THROUGH THE SEVERAL PROVISIONS OF THE SIXTH AMENDMENT WHICH APPELLANT IS ARGUING THAT "AS ALL CRIMINAL PROSECUTORS THE HOUSED SHALL ENJOY THE RIGHT... TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION AND WITHOUT THAT NOTICE THATS ADEQUATE APPELLANT IS NOT ABLE TO HAVE A FAIR TRIAL TO PREPARE A DEFENSE AGAINST LET ALONE TO STEP FOOT INSIDE OF THE COURTROOM SO THAT THE COURT MAY HAVE JURISDICTION OVER APPELLANT AS APPLIED TO THE OFFENSES OF THE DATE OF FEBRUARY 18, 2003 OF WHICH THE STATE BEEN INTENDING TO PROVE BEYOND A REASONABLE DOUBT TO THE JURY IN ORDER TO RECEIVE A JUST VERDICT OF GUILT BEYOND A REASONABLE DOUBT AS JUSTICE REQUIRES, NO DUE NOTICE WAS GIVEN TO APPELLANT AS THE LAW REQUIRES.

TRIAL COUNSEL SHOULD HAVE KNOWN BEFORE THE JURY WAS SWORN IN THAT PROCEDURAL DUE PROCESS REQUIRES ADEQUATE NOTICE; ADEQUATE OPPORTUNITY TO BE HEARD; THE RIGHT TO INTRODUCE EVIDENCE; AND THE RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES, THEREFORE BEING THAT HIS DEFENSE WAS PREPARED TO FEBRUARY 18, 2003 TRIAL COUNSEL SHOULD HAVE MOTIONED TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT BECAUSE APPELLANT DID NOT RECEIVE ADEQUATE NOTICE AS DUE PROCESS REQUIRES IN ORDER TO STAND THROUGH TRIAL BECAUSE NO STATE SHALL DEPRIVE APPELLANT OF LIFE LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW. APPELLANT MUST BE PUT ON NOTICE OF FEBRUARY 18, 2003 OFFENSES.

APPELLANT HAS A RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL BECAUSE COUNSEL PLAYS A CRUCIAL ROLE IN THE ADVERSARIAL SYSTEM EMBODIED IN THE SIXTH AMENDMENT, SINCE ACCESS TO COUNSEL'S SKILL AND KNOWLEDGE IS NECESSARY TO ACCORD DEFENDANTS THE "AMPLE OPPORTUNITY TO MEET THE CASE OF THE PROSECUTION" TO WHICH THEY ARE ENTITLED WHEREAS ALL COUNSEL HAD TO DO WAS OBJECT AND MOTION TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT.

TRIAL COUNSEL FAILED TO USE THAT EFFECTIVE SKILL AND KNOWLEDGE IN THE COURTROOM WHICH WAS DEFICIENT AND PREJUDICE APPELLANT BECAUSE APPELLANT NEVER HAD A FAIR TRIAL TEL THIS DAY TO RECEIVE A JUST VERDICT OF GUILTY BY THE JURY WHEREAS IF COUNSEL WOULD HAVE OBJECTED IN A TIMELY MANNER APPELLANT WOULD NOT HAVE RECEIVED A LIFE SENTENCE FOR MURDER OF WHAT HE WAS UNLAWFULLY ~~CHARGED~~ FOR OR OF WHAT WAS NOT INDICTED FOR BECAUSE THERE IS NO EVIDENCE TO PROVE EITHER DATE OFFENSES BY INDICTMENT/ARRANTS.

APPELLANT NEVER ACTUALLY RECEIVED A FAIR TRIAL FOR THE OFFENSES ALLEGED ON FEBRUARY 17, 2003 NOR DID APPELLANT RECEIVED A FAIR TRIAL FOR THE OFFENSES ALLEGED TO HAVE OCCURRED ON OR ABOUT FEBRUARY 18, 2003 ALSO BECAUSE APPELLANT WAS NEVER PUT ON NOTICE TO DEFEND THOSE OFFENSES OF FEBRUARY 18, 2003 THROUGH DUE PROCESS OF LAW.

DUE PROCESS WAS VIOLATED IN APPELLANT CASE BECAUSE THE TRIAL JUDGE CHARGED THE JURY WITH/ AS TO "PRESUMPTION OF INNOCENCE AND SAID TO THE JURY IN PART... NOW AS YOU KNOW MR. SANDERSON, TASHON SANDERSON AND THATS MR. WILSON, JOSEPH WILSON, HAVE BEEN CHARGED WITH THE CRIMES OF MURDER, ARMED ROBBERY, CRIMINAL CONSPIRACY, AND POSSESSION OF A WEAPON DURING A VIOLENT CRIME.

NOW THESE ARE THE INDICTMENTS. THIS IS WHAT THEY HAVE BEEN INDICTED FOR THIS IS SIMPLY THE DOCUMENT THAT BRINGS THEM INTO COURT. THATS ALL THIS IS.

TO THIS INDICTMENT THE DEFENDANTS HAVE PLED NOT GUILTY. NOW THIS PLACES UPON THE STATE THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT.

A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE HIMSELF INNOCENT.

This presumption of innocence remains with the defendant at all times, from the moment he's first charged and throughout the trial until you the jury, have upon the evidence and testimony presented rendered a verdict in the case.

It's your solemn duty if not convinced of his guilt beyond a reasonable doubt to find the defendant not guilty. On the other hand, if the state has proven to your satisfaction the guilt of the accused beyond a reasonable doubt, it would be your solemn duty to find the defendant guilty.

Now please understand this term reasonable doubt in its plain and ordinary meaning, a doubt which would cause a reasonable person to hesitate to act. So once again, the burden of proof is on the state from beginning to end to prove both Mr. Tasha Simpson and Mr. Joseph Wilson guilty of murder, of armed robbery, of criminal conspiracy, and of possession of a weapon during the commission of a violent crime.

Now ladies and gentlemen of the jury, cases such as this could not go forward without you being here ready and willing to listen to the evidence and testimony presented on behalf of both the state and the defendants. I want to thank you...

Again, that is a sufficient indictment that appellant pled not guilty to that appraised appellant of all of the elements to prepare the defense of presumption of innocence only as evidence by law, to receive a fair trial upon.

The jury was sworn in and charged of the 04-132 indictment; the original indictment that appellant was under the presumption of innocence of.

The state began presenting evidence to the jury of a crime/offenses that was not alleged in the indictment without appellant is innocent to by law because appellant never received notice of the alleged offenses by the indictment. Appellant did not have/receive adequate notice from the state that they were intending to prove any offenses alleged to have occurred on or about February 18, 2003 through the due process of law standard procedurally nor through statutory and constitutional because appellant does have statutory and constitutional rights to demand that a properly constituted grand jury consider his case and decide whether to issue a sufficient indictment for murder setting forth the time and place of the death in the indictment returned by the grand jury so that appellant may prepare a defense to those allegations at the fair trial of that sufficiently adequate notice in order to be lawfully convicted if the state does prove their burden beyond a reasonable doubt because time is an allegation sufficient for murder and is recognized in the law.

Appellant never received notice that must be sufficient to make the opportunity useful because this notice is required notice that is a component of the due process that is accorded every criminal defendant. See U.S. Const. Amend. V (14); S.C. Const. Art. 1 section 3.

Due to appellant not receiving notice of the crimes alleged to have happened on February 18, 2003 and not having a jury picked at a trial for appellant to plead not guilty to those charges/offenses and evidence be presented to the jury so that they may make their determination of guilty or not guilty beyond a reasonable doubt, appellant is still deemed innocent to their offenses of February 18, 2003 because the presumption of innocence remains with the defendant at all times, from the moment he's first charged and throughout the trial until the jury have upon the evidence and testimony presented rendered a verdict in the case but for one appellant whole heartedly truthfully did not murder the victim and two, appellant never received procedural due process as the law requires of adequate notice to apprise appellant of any elements to defend and the state to prove beyond a reasonable doubt to the jury of February 18, 2003; adequate opportunity to be heard at trial on the elements; the right to introduce evidence on my behalf of myself such as presumption of innocence because I am innocent to any and all offenses of February 18, 2003; and the right to confront and cross examine witnesses as to the evidence that the state is intending to prove of any guilt of February 18, 2003. I never received notice therefore I never received a fair trial.

Appellant got/showed a straight due process case in which appellant contends that inadequate notice led to a trial with an unacceptable risk of convicting the innocent.

Appellant never had a fair trial as to the original indictment due to trial court judge allowing the ultimately improper amendment of the indictment due to the clerical error that the state asked to correct without the South Carolina supreme court held that the amendment is not valid as to time if time is the essence of that offense.

The proceeding went as follows as to the amendment of the indictment at trial:

The court: All right. Yes sir.

MR. SABB: We need to approach on one matter judge.

The court: Yes sir.

MR. SABB: Have some information for the court. (whereupon a bench conference was held)

MR. SABB: May it please the court.

The court: All right. Yes sir.

MR. SABB: Your honor, other than the legal matter that we just mentioned to the court, the state would rest at this time.

THE COURT: OKAY. WE HAVE COME TO A GOOD BREAKING POINT THEN, LADIES AND GENTLEMEN OF THE JURY. I AM GOING TO ASK YOU TO GO BACK WITH A REMINDER PLEASE DO NOT DISCUSS THE CASE. WE WILL HAVE YOU BACK IN THE NEAR FUTURE. YOU MAY GO BACK AT THIS POINT.

(JURY LEFT COURTROOM AT — 10:59 A.M.)

THE COURT: All right. Anything from the State at this time.

MR. STABB: JUDGE, WE JUST WANTED TO MOVE TO CORRECT THE CLERICAL ERROR ON THE INDICTMENT AS RELATES TO FEBRUARY THE 17TH AND APPROPRIATELY AMEND IT TO REFLECT THE DATE OF THE INCIDENT WHICH IS FEBRUARY 18TH.

THE COURT: All right. Anything from either of the defendants in with regard to that?

MR. BARR: NO, WE CAN'T CONSENT TO IT. WE'D HAVE TO OBJECT TO IT.

THE COURT: All right. I WANT TO TRY TO TAKE YOU IN ORDER. ANYTHING FROM THE DEFENDANT SIMPSON?

MR. CARRAWAY: WE WOULD OBJECT. IT SAYS THE 17TH. THAT'S WHAT HE HAS BEEN INFORMED OF THAT HE HAD TO DEFEND.

THE COURT: OKAY. ANY -- ANYTHING FROM THE DEFENDANT WILSON?

MR. BARR: MA'AM?

THE COURT: ANYTHING FROM THE DEFENDANT WILSON I'M TAKING YOU IN TURN.

MR. BARR: WE INDICATED THAT WE WOULD OBJECT.

THE COURT: Very well. All right. AND THE GROUNDS ARE ...

MR. CARRAWAY: MY CLIENT HAS BEEN GIVEN NOTICE --

THE COURT: I HAVE HEARD YOURS. I'M ASKING FOR MR. SIMPSON NOW. I'M TRYING TO TAKE Y'ALL ONE AT A TIME AS BEST I CAN TO MAKE IT REAL CLEAR. ALL RIGHT. NOW MR. BARR ON BEHALF OF MR. SIMPSON -- I MEAN, ON BEHALF OF MR. WILSON. MY APOLOGIES. YOUR GROUNDS FOR THE OBJECTION ARE ...

MR. BARR: PURPOSE OF THE INDICTMENT IS TO PUT THE DEFENDANT ON NOTICE WHAT HE'S CHARGED WITH. AND IN THIS CASE IF THE INDICTMENT ALLEGES THAT HE COMMITTED AN OFFENSE ON ONE DAY AND TURNS OUT THAT HE IS HAVING TO DEFEND A CHARGE OF ANOTHER DAY, THEN WE WOULD CERTAINLY TAKE THE POSITION THAT -- THAT THE INDICTMENT AND THAT PROCESS DEPRIVED THE DEFENDANT OF DUE PROCESS.

THE COURT: All right. THIS IS AS TO THE ARMED ROBBERY FOR MR. WILSON AND AS TO POSSESSION OF FIREARM DURING THE COMMISSION OF A VIOLENT CRIME. BOTH OF THOSE STATE ON OR ABOUT FEBRUARY 17TH 2003, WELL, FEBRUARY 18TH IS ABOUT FEBRUARY 17TH.

I - I DON'T FIND THAT -- I MEAN, I FIND THIS IS SUFFICIENT TO PUT YOUR CLIENT ON NOTICE OF THE OFFENSE FOR WHICH HE HAS BEEN CHARGED AND THE EVENTS WITHOUT QUESTION. SO I WILL ALLOW THE AMENDMENT AT THIS TIME JUST PRIOR TO THE STATE RESIGNING ITS CASE.

NOW LET ME LOOK AS TO MR. SIMPSON. IT SAYS FEBRUARY 17TH, ON OR ABOUT DID DISPLAY A KNIFE, AND FOR THE ARMED ROBBERY ON OR ABOUT FEBRUARY 17TH DID PARTICIPATE IN AN ARMED ROBBERY.

ONCE AGAIN, ON OR ABOUT, ABOUT FEBRUARY 17TH COULD BE FEBRUARY 18TH. I DO BELIEVE THAT THERE WAS SUFFICIENT NOTICE, AND IT WOULD BE HARD FOR YOU TO WITH A STRAIGHT FACE CONVINCE THIS COURT THAT YOU DID NOT HAVE ADEQUATE NOTICE OF WHAT CRIME THAT HE WAS BEING ACCUSED OF AND WHAT EVENT.

SO I RESPECTFULLY WILL ALLOW THE AMENDMENT OF THE INDICTMENT TO REFLECT THE APPROPRIATE DATES.

MR. STABB: AND IF YOUR HONOR PLEASE --

THE COURT: All else being the same.

MR. STABB: JUST TO SUPPLEMENT THE RECORD, IF YOUR HONOR PLEASE. WE DID PROVIDE THE DISCOVERY REQUESTS PURSUANT TO ALL THE REQUESTS; ALL OF THE INCIDENT REPORTS WERE PROVIDED TO COUNSEL THAT ALL REFERRED TO THE 18TH. THE THREE RECORDED STATEMENTS BY THE DEFENDANT REFERRED TO THE 18TH. THE WARRANT REFERRED TO THE 18TH AND THAT WAS --

THE COURT: FURTHER EVIDENCE THAT THEY DID RECEIVE PROPER NOTICE.

MR. STABB: YES, MA'AM.

THE COURT: All right. IS THERE ANYTHING FURTHER? ANYTHING FURTHER FROM THE STATE?

MR. STABB: AND JUDGE, ALSO COUNT ONE - NO I DON'T KNOW IF -- THE COURT MAY HAVE READ IT AND I JUST DIDN'T

HEAR IT. BUT COUNT ON THAT RELATES TO THE MURDER WOULD ALSO BE ONE THAT WE WOULD...

THE COURT: COUNT ONE? OKAY. LET'S SEE. I DID NOT STATE THAT ON THE RECORD, AND IT ALSO DOES SAY ON OR ABOUT THE 17TH AND FOR THE REASONS SET FORTH PREVIOUSLY I WILL ALLOW AMENDMENT OF THAT, TOO, TO INDICATE. THE 18TH OF COURSE IS ABOUT THE 17TH.

MR. STARR: THANK YOU, JUDGE...

THE SOUTH CAROLINA SUPREME COURT HAS HELD THAT "AMENDMENTS USUALLY ARE PERMITTED FOR PURPOSES OF CORRECTING AN ERROR OR FORM, SUCH AS SCRIVENER'S OR CLERICAL ERROR. CUTLER, 354 S.C. AT 155, 580 S.E. 2D AT 122. THUS, A MOTION TO AMEND AN JUDGMENT SHOULD BE GRANTED WHEN THE PROPOSED AMENDMENT DOES NOT CHANGE THE NATURE OF THE OFFENSE OR AFFECT THE SUFFICIENCY OF THE JUDGMENT. SEE FOR EXAMPLE

STATE V. CHARLES, 261 S.C. 413, 416-17, 200 S.E. 2D 384, 385-86 (1973) (INDICTMENT MAY BE AMENDED TO STATE THE CORRECT TIME OR DATE OF THE ALLEGED CRIME WHEN TIME OR DATE IS NOT OF THE ESSENCE OF THE CRIME).

IN WYNN V. ST, JUSTICE PIERCE'S DISSENT SHED A LOT OF TRUTHFULLY LIGHT ON THE ELEMENT OF TIME BEING RECOGNIZED IN THE LAW, S.C. STATUTORY LAW SECTION 17-19-30 ALLEGATIONS SUFFICIENT FOR THE OFFENSE OF MURDER WHICH IS AN ELEMENT THAT MUST NOT BE ALTERED NOR AMENDED ONCE PASSED UPON BY THE GRAND JURY AND TIME/DATE MUST BE ALLEGED IN THE INDICTMENT BECAUSE THE CONSTITUTION REQUIRES ALLEGATIONS OF SUCH TO BE ALLEGED IN THE INDICTMENT RETURNED BY THE GRAND JURY FOLLOWING THE PRINCIPLES OF THE COMMON LAW.

WITHOUT THAT AMENDMENT BEING ALLOWED IMPROPERLY UNLAWFULLY APPELLANT WOULD HAVE RECEIVED A NOT GUILTY VERDICT BECAUSE THE STATE DID NOT AND WOULD NOT PROVE ALL THE ELEMENTS OF EACH OFFENSE ALLEGED IN THE INDICTMENT TO THE JURY BEYOND A REASONABLE DOUBT THEREFORE APPELLANT WOULD HAVE RECEIVED A NOT GUILTY VERDICT.

THE AMENDMENT CLEARLY DID VIOLATE DUE PROCESS OF LAW. HAD TRIAL COUNSEL WOULD HAVE MOTIONED TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER BEFORE THE JURY WAS SWORN IN IN ACCORDANCE WITH S.C. CODE ANN. SECTION 17-19-90, APPELLANT WOULD NOT HAVE RECEIVED A LIFE WITHOUT THE POSSIBILITY OF PAROLE SENTENCE FOR THE OFFENSE OF MURDER.

THEREFORE APPELLANT NEVER RECEIVED A FAIR TRIAL FOR EITHER DATE, THE 17TH OR THE 18TH BY LAW, DUE PROCESS OF LAW.

DUE PROCESS OF LAW SAFEGUARDEDLY PROTECT APPELLANT THAT NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW. 14TH AMENDMENT OF THE CONSTITUTION THROUGH THE 5TH AMENDMENT OF THE CONSTITUTION AND THROUGH THE 6TH AMENDMENT OF THE CONSTITUTION.

TRIAL COUNSEL FAILED TO INVESTIGATE THE LAW PERTAINING TO APPELLANT CASE TO APPLY THE LAW TO THE FACTS OF THE CASE AND FAILED TO CONSULT WITH APPELLANT ABOUT THE LAW OF THE CONSTITUTION AND THE LAW OF S.C. CONST. AND S.C. STATUTORY LAW THAT WAS RELEVANTLY APPLICABLE TO APPELLANT'S CASE SO THAT THE PROPER DECISIONS MAY BE MADE IN RECEIVING A JUST RESULT AS JUSTICE REQUIRES.

TRIAL COUNSEL SHOULD HAVE ASKED HIMSELF THE QUESTION FROM THE OBJECTIVELY POINT OF VIEW STANDARD APPROACH OF HANDLING: "DID THE CHARGE ENABLE AN INNOCENT ACCUSED TO MOUNT AN ADEQUATE DEFENSE? THAT THE PROSECUTOR MAY HAVE A HARD TIME FRAMING A CHARGE THAT ALLOWS AN ADEQUATE DEFENSE IS NO REASON TO CUT DOWN THE PROTECTIONS ACCORDED TO SUSPECTS.

TRIAL COUNSEL'S ANSWER SHOULD HAVE BEEN YES THE CHARGE ENABLE MY CLIENT (AN INNOCENT ACCUSED) TO MOUNT AN ADEQUATE DEFENSE TO THE 17TH OF WHICH HE WAS INDICTED FOR WHICH WILL BE PRESUMPTION OF INNOCENCE, THE GREATEST EVIDENCE EVER UNTIL PROVEN GUILTY AND THE STATE CAN NOT PROVE MY CLIENT GUILTY BEYOND A REASONABLE DOUBT TO THE JURY ON ANY OF THOSE OFFENSES CHARGED

BUT

DUE TO MY MOTION FOR DISCOVERY RECEIVING THAT THE AUTOPSY REPORT SAYS THAT THE VICTIM WAS MURDERED FEBRUARY 18, 2003 WHICH THIS INDICTMENT DOES NOT STATES TO INFORM MY CLIENT OF ADEQUATE NOTICE OF THAT DATE OFFENSES I CAN MOTION TO QUASH OR MOTION TO DISMISS COUNT ONE MURDER OF THE INDICTMENT THAT WAY HE WILL NOT HAVE A FAIR TRIAL UPON THOSE MERITS AND IF HE HAD KNOWN THE LAW THE STATE WOULD NOT BE ABLE TO RETURN ANY OTHER INDICTMENT FOR MURDER.

HAD TRIAL COUNSEL OBJECTED TO THE INDICTMENT IN ACCORDANCE WITH S.C. CODE ANN. SECTION 17-19-90 THERE IS A VERY HIGH REASONABLE PROBABILITY THAT THE RESULT AT TRIAL WOULD HAVE BEEN DIFFERENT.

As stated in Webster v. Clinton, the United States Supreme Court stated the General Rule:

IT IS A FUNDAMENTAL DOCTRINE OF THE LAW THAT A PARTY WHOSE PERSONAL RIGHTS ARE TO BE AFFECTED BY A PERSONAL JUDGEMENT MUST HAVE A DAY IN COURT, OR OPPORTUNITY TO BE HEARD; AND WITHOUT DUE NOTICE AND OPPORTUNITY TO BE HEARD A COURT HAS NO JURISDICTION TO ADJUDICATE SUCH PERSONAL RIGHTS. A JUDGEMENT BY A COURT WITHOUT JURISDICTION OF BOTH THE PARTIES AND THE SUBJECT MATTER IS A NULLITY AND MUST BE SO TREATED BY THE COURTS WHEREVER AND FOR WHATEVER PURPOSE IT IS PRESENTED AND RELIED ON. (1973 CASE).

Appellant was not put on sufficient notice to defend his personal rights of presumption of innocence. As to the alleged offenses of February 18, 2003 which the state nor the court had subject matter jurisdiction over because appellant never received due process procedurally to protect the innocent rights of February 18, 2003 offenses at a fair trial upon that notice.

The notice that appellant did receive placed the state to prove every element beyond a reasonable doubt to the jury because appellant pled not guilty to those alleged offenses of February 17, 2003 but that notice led to an unacceptable risk of convicting the innocent of different offenses than that alleged in the indictment.

The appellant contends he never received a fair trial as justice requires.

The appellant contends he never received the effective assistance of counsel at the trial on May 23-25, 2005 to receive a just verdict of not guilty because appellant is innocent to those offenses of what he's indicted for, no actual crime happened of what he is indicted of, and **BY LAW** of his rights appellant is innocent of what he is indicted for and trial counsel knew that but did not effectively motion to quash or motion to dismiss count one murder of the indictment to receive no conviction of the innocent accused. Nor did trial counsel inform himself of S.C. statutory law to apply to the case, i.e. constitutional law to apply to the case and abide by before the jury was sworn in in a just timely manner, nor did trial counsel apply the law of the land to the case in a timely manner to receive a favorable verdict of the innocent client.

Appellant had a right to a fair trial that he never received to be lawfully convicted of a life without the possibility of parole sentence whereas all trial counsel had to do was object before the jury was sworn in in accordance with the law S.C. Code Ann. section 17-19-90. **DUE PROCESS** was violated to convict the innocent. Appellant is still presumed innocent until proven guilty and appellant never received a fair trial by law that allows a record to uphold the states burden of proof of guilt beyond a reasonable doubt on which the indicted charges states nor a fair trial which appellant is innocent of but a fair trial to the unindicted offenses of February 18, 2003. I, appellant am innocent by law, law abiding citizen. I have rights.

Trial counsel failed to provide the effective assistance that the Sixth Amendment demands.