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SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appeal from Lexington County  
Honorable William P. Keesley, Circuit Court Judge

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Appellate Case No: 2025-000541

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The State, ..... Respondent,

v.

David Matthews, Jr., ..... Appellant.

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**APPELLANT'S SUPPORTIVE BRIEF**

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David Matthews, Jr.  
Perry Correctional Institute  
430 Oak Lawn Road  
Pelzer, SC 29669

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STATEMENT OF ISSUES ON APPEAL

1. Did the trial court lack subject matter jurisdiction?
2. Did the trial court err in denying appellant's Motion to Suppress?

STATEMENT OF THE CASE

Appellant, David Matthews was illegally indicted during the month of July, 2024. Appellant's indictments are null and void. Appellant was convicted and sentenced after a jury trial held at the March, 2025 term of the Lexington County General Sessions Court before Judge William P. Keesley. Judge Keesley abused his discretion in failing to take notice sua sponte that he lacked statutory power to convict and sentence appellant for a charge appellant not indicted and by engaging in a criminal trial outside of statutory law.

### STANDARD OF REVIEW

"In criminal cases, this court sits to review errors of law only and is bound by factual finding of the trial court unless an abuse of discretion is shown." State v. Laney, 367 S.C. 639, 643, 627 S.E.2d 726, 729 (2006). An abuse of discretion occurs when the court's decision is unsupported by the evidence or controlled by an error of law. State v. Black, 400 S.C. 10, 16, 732 S.E.2d 880, 884 (2012)

### ARGUMENT

The trial judge lack subject matter jurisdiction to convict and sentence apellant by way of a valid indictment and therefore erred in denying appellant's Motion to Suppress because the affidavit like the indictment is in violation of statutory law.

Generally, in a criminal case, the trial court acquires subject matter jurisdiction by way of a valid indictment. State v. Beachum, 288 S.C. 325, 342 S.E.2d 597 (1986). In other words, a court lacks subject matter jurisdiction to convict and sentence a defendant for an offense for which he was not indicted. See S.C. Code Ann. § 14-5-760(2) (Terms of court in eleventh circuit)

The court of general sessions for Lexington County shall be held at Lexington on the third Monday in January, the fourth Monday of May, and the Tuesday following the first Monday in September. Each term of the court of general sessions shall be for two weeks.

A direct review of appellant's indictments ## 24-GS-2933, 37, 40, 47-49 reveals the Lexington County General Sessions Court convened and True Bill the aforesaid indictments on 7-8-24 during the July term 2024.

The appellant assert positively that the Lexington County General Session Court lacked statutory legislative judicial power to convict and sentence appellant for an offense for which he was not indicted.

This hypersensitive allegation that can utterly void appellant's judicial proceedings is sub judice, and to make absolutely sure that this litigation has judicial merit, I will demonstarte points of law to this court of appeals.

[POINT I]

The Court of General Sessions for Lexington County does not have unbridled judicial discretion to convict and/or sentence as it so pleases.

The Subject Matter Jurisdiction of Lexington County hinges upon the authority granted to that court by the constitution and laws of this state which fundamental. Howard v. S.C. Dept. of Corrections, 399 S.C. 618, 733 S.E.2d 211 (2012).

To be sure, Article 5 of the S.C. Code of law is captioned, to wit: "Power and Jurisdiction of Court and Judges."

Unshakable, the S.C. Code Ann. § 14-5-760(2) is listed in the diction of Article 15, "State Grand Jury Act," and it specifically and unequivocally does not permit the Lexington County Court of General Sessions to be in session during the month of July, but see also, S.C. Code Ann. § 14-7-1640.

A state grand jury may return indictments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, "it must be certified" and transferred for prosecution to where the offense was committed in accordance with section 14-7-1750....

Appellant's indictments are not certified. In this case the statutes outline the limited Subject Matter Jurisdiction of the Court of General Sessions. Jurisprudentially speaking the statutes being listed under the caption of "Power and Jurisdiction of Courts and Judges" really operates as a specification of termination of judicial authority and power to do anything to wit, criminal trial, guilty pleas, pre-trial motion hearings, waiver hearings, court order, etc.

In rigore juris, When the state legislature bless the Court of General Sessions with the Subject Matter Jurisdiction at

specific times, to conduct judicial affairs, it was not the intendment of law pursuant to statute for the court and the judge to do something else to statutory law.

Subject Matter Jurisdiction "refers to a court's constitutional or statutory power to adjudicate a case." Kosciusko v. Parham, 428 S.C. 481, 492, 836 S.E.2d 362, 368 (Ct.App. 2019). "Lack of Subject Matter Jurisdiction may be raised at any time and may be raised for the first time on appeal." Gantt v. Selph, 423 S.C. 333, 338, 814 S.E.2d 523, 525-26 (2018).

[POINT II]

It is absolutely accurate to say that the abolition of the state statutory law imperissibly took place in this case. The primary evil that the legislature feared, took place in this case.

Put another way, what the legislature specifically commanded the lower court to do, the court and the judge did something else being recalcitrant to statutory law, which is very disrespectful.

[POINT III]

The trial judge erred in denying appellant's Motion to Suppress because like the affidavit is clearly in violation of statutory law. S.C. Code Ann. § 17-13-140

Any warrant issued hereunder shall be executed and return made only within ten days after it is dated. The officer executing the warrant shall make and deliver a signed inventory of any articles seized by virtue of the warrant, which shall be delivered to the

judicial officer to whom the return is to be made.... See Exhibit 1  
Note: It is not signed nor is there a return.

The primary benefit of §17-13-140 is to the person arrested or searched, and one contesting the legality of a search because of a defect under the statute need only show that the state is attempting to introduce evidence against him. State v. McKnight, 291 S.C. 110, 352 S.E.2d 471. There is no good faith effort to comply with § 17-13-140 where 2 officers seeking the warrant were aware of the requirement for an affidavit to support the search warrant, but made no effort to comply with the statute. State v. McKnight

[POINT IV]

Appellant was indicted by an illegally constituted grand jury. See Carrier v. State, 441 S.C. 547 (indictments issued by illegally constituted grand juries are insufficient as a matter of law to give the required notice to a defendant and are deemed a nullity....). The trial judge's denial of appellant's Motion to Suppress is controlled by errors of law. See State v. King, 422 S.C. 47, 810 S.E.2d 18 (An "abuse of discretion" occurs when the trial court's decision is unsupported by the evidence or controlled by an error of law.)

U.S. CONSTITUTION ART. VI, Cl. 2

The command of the U.S. Supreme Court can not be relaxed. Lack of statutory legislative power by U.S. Supreme Court law is lack of Subject Matter Jurisdiction, ipso jure.

On a final note, compliance with legislative jurisdictional law is a must for the courts and for the judges, it is absolutely indispensable, because when a searing jurisdiction scrutiny comes, as we have here, the courts and judges need to be in compliance.

To crystalize my argument here, the U.S. Supreme Court has stated:

Without jurisdiction, the court cannot proceed at all in any cause, jurisdiction is power to declare the law, and when it cease to exist, the ony function remaining to the court is that of announcing the fact and dismissing the case. Steel Co. supra at 94

#### CONCLUSION

The appellant's conviction and sentence must be vacated, I don't say the United States Supreme Court and the S.C. Codes of law herein says this. I know this indeed is exceedingly hard, but so the law is written. The appellant's 14th Amendment rights to the United States Constitution was squelched in this case and his judicial proceeding was a meaningless charade.

Respectfully submitted,

s/ David Matthews  
David Matthews Jr.  
Perry Correctional Institute  
430 Oak Lawn Road  
Pelzer, SC 29669

8-1-26

Wanda H. Carter  
Appellate Defender  
P.O. Box 11589  
Columbia, SC 29211-1589

Re: Appellate C/A No.: 2025-000541

Dear Ms. Carter,

Please find enclosed a copy of my supportive brief. As you will see "the respondent was negligent." See Coleman v. Shaw, 281 S.C. 107, 314 S.E.2d 154 (Ct.App. 1984) (Negligence per se is negligence arising from the defendant's violation of a statute.)

As you know "subject matter jurisdiction may be raised at any time and may be raised for the first time on appeal." Gant v. Selph, 423 S.C. 333, 814 S.E.2d 523.

Appellant presents to you two statutory violations to which violates S.C. Const. Art. I, §3 and Art. I, § 11. See Kosciusko v. Parham, 428 S.C. 481, 492, 836 S.E.2d 362, 368 (Ct.App. 2019) (Subject Matter Jurisdiction refers to a court's constitutional or statutory power to adjudicate a case.)

With kindest regards.

Sincerely,

s/ David Matthews

8-15-26

CERTIFICATION

I, David Matthews hereby certify that on 8- 26 -26 I caused a copy of my Supportive Brief to be served via Perry C.I. mail room with postage prepaid addressed as follows:

Wanda H. Carter, Appellate Defender  
S.C. Commission on Indigent Defense  
P.O. Box 11589  
Columbia, SC 29211-1589

Date: 8-25-26 2026

s/ David Matthews  
David Matthews, Jr.  
Perry Correctional Institute  
430 Oak Lawn Rd.  
Pelzer, SC 29669

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AUG 28 2026

SC Court of Appeals

The South Carolina Court of Appeals  
The Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: Appellate C/A No.: 2025-000541

Dear Clerk,

Please find enclosed for filing in your office a copy of my Supportive Brief, letter to my appellate defender and Certificate of Service.

Would you please notify me when the filing is complete?

Sincerely,

s/ David Matthews

8-15-26

David Matthews, Jr. #234024

Perry C.I.

430 Oaklawn Rd.

Perry, SC 29669

The South Carolina Court of Appeals

The Clerk of Court

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