

CONTINUED APPLICATION OR SCOPE OF GENTRY INsofar AS IT IS UNDERSTOOD TO FORECLOSE CONSIDERATION OF A DISTINCT CONSTITUTIONAL LIMITATION UPON THE STATE'S AUTHORITY TO OBTAIN OR MAINTAIN A CRIMINAL JUDGMENT. THE PROPOSED CHALLENGE DOES NOT MERELY RELITIGATE WHETHER AN INDICTMENT WAS TECHNICALLY SUFFICIENT. IT ASKS WHETHER THE CONSTITUTIONAL SOURCE AND LIMITS OF CRIMINAL JUDICIAL POWER CAN BE COMPLETELY SUBSUMED WITHIN A STATUTORY ELEMENT OF SUBJECT MATTER JURISDICTION SUCH THAT THE CONSTITUTIONAL DEFECTS AFFECTING THE STATE'S AUTHORITY TO PROSECUTE OR OBTAIN A CONVICTION ARE RENDERED LEGALLY IRRELEVANT.

X. ALLEGED FRAUD UPON THE COURT AND THE HISTORICAL BASIS OF GENTRY:

APPELLANT ALLEGES THAT CIRCUMSTANCES SURROUNDING THE DEVELOPMENT AND SUBSEQUENT APPLICATION OF GENTRY WARRANT JUDICIAL EXAMINATION, INCLUDING ALLEGED OMISSIONS, MISCHARACTERIZATIONS, OR OTHER CONDUCT THAT MAY HAVE PREVENTED FULL CONSIDERATION OF THE CONSTITUTIONAL DIMENSIONS OF THE JURISDICTIONAL QUESTION. APPELLANT DOES NOT ASK THIS COURT TO ACCEPT THOSE ALLEGATIONS MERELY UPON ASSERTION. RATHER, APPELLANT REQUESTS EXAMINATION OF THE UNDERLYING RECORD AND PRESERVATION OF THESE ISSUES FOR REVIEW.

XI. THE REMITTITUR SHOULD NOT HAVE DEPRIVED APPELLANT OF S.C. SUPREME COURT REVIEW:

RULE 242(a)(1), SCACR, MAKES PRESERVATION IN THE COURT OF APPEALS AND IN THE PETITION FOR REHEARING SIGNIFICANT TO SUPREME COURT REVIEW. APPELLANT TIMELY FILED HIS REHEARING PETITION SPECIFICALLY TO PRESERVE THESE ISSUES. TRANSMISSION OF THE REMITTITUR BEFORE EXPIRATION OF THE CERTIORARI PERIOD THEREFORE RISKED DEFEATING THE SUPREME COURT-REVIEW MECHANISM THE RULES PROVIDE.

XII. CONCLUSION AND PRAYER FOR RELIEF:

RECEIVED

Sep 14 2026

S.C. SUPREME COURT

WHEREFORE, APPELLANT RESPECTFULLY REQUEST THAT THIS
COURT:

(A) RECALL THE REMITTITUR;

(B) REINSTATE THE APPEAL;

(C) DETERMINE WHETHER TRANSMISSION OF THE REMITTITUR
BEFORE EXPIRATION OF THE RULE 242(c) PERIOD WAS PREMATURE AND
INCONSISTENT WITH RULE 221(b);

(D) RECOGNIZE APPELLANT'S TIMELY REHEARING PETITION AS AN
EFFORT TO PRESERVE CONSTITUTIONAL ISSUES FOR S.C. SUPREME COURT
REVIEW;

(E) CLARIFY THAT APPELLANT SOUGHT SUBSTITUTION OF COUNSEL
RATHER THAN HYBRID REPRESENTATION;

(F) GRANT APPROPRIATE RELIEF CONCERNING APPOINTED COUNSEL
PURSUANT TO RULE 264, SCACR AND RULE 608, SCACR;

(G) PERMIT APPELLANT TO OBTAIN CONFLICT-FREE APPELLATE
REPRESENTATION UNDER RULE 608, SCACR;

(H) PRESERVE APPELLANT'S RIGHT TO FILE PETITION FOR WRIT
OF CERTIORARI IN THE SOUTH CAROLINA SUPREME COURT; AND

(I) GRANT SUCH ADDITIONAL RELIEF AS JUSTICE AND FAIRNESS
REQUIRES.

RESPECTFULLY,

JAMES J. PATTERSON III

James J. Patterson III

SEPTEMBER 10, 2026

CC: THE OFFICE OF INDIGENT DEFENSE
THE S.C. ATTORNEY GENERAL
JAMES J. PATTERSON III
THE S.C. DISTRICT COURT



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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

August 31, 2026

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

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

Dear Mr. Patterson:

We are in receipt of your recent correspondence dated August 5, 2026. As stated in this Court's letters dated April 13, 2026, April 24, 2026, and June 1, 2026, because you are represented by counsel, we are returning your filing without action. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

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



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August 31, 2026

The Honorable Lisa M. Comer
205 East Main Street
Suite 128
Lexington SC 29072

REMITTITUR

Re: The State v. James J. Patterson, III
Lower Court Case No. 2022GS3206146, 2022GS3206147
Appellate Case No. 2023-001474

Dear Clerk of Court:

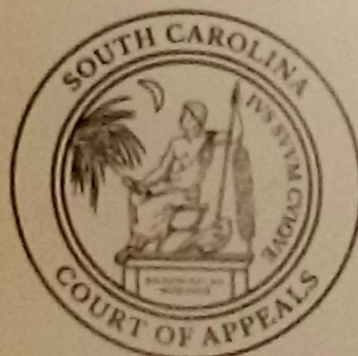
The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Donald J. Zelenka, Esquire
Samuel R. Hubbard, III, Esquire
Molly Marie Keegan, Esquire
Mark Reynolds Farthing, Esquire



**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

James Joseph Patterson, III, Appellant.

Appellate Case No. 2023-001474

Appeal From Lexington County
Daniel Dewitt Hall, Circuit Court Judge

Unpublished Opinion No. 2026-UP-379
Submitted July 1, 2026 – Filed July 22, 2026

AFFIRMED

Appellate Defender Molly M. Keegan, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, and
Senior Assistant Deputy Attorney General Mark R.
Farthing, all of Columbia; and Solicitor Samuel R.
Hubbard, III, of Lexington, all for Respondent.

PER CURIAM: James Joseph Patterson, III, appeals his convictions for murder and possession of a weapon during the commission of a violent crime and aggregate sentence of thirty years' imprisonment. On appeal, Patterson argues the circuit court abused its discretion when it failed to conduct an on-the-record analysis of the *State v. Colf*¹ factors under Rule 609(a)(1) and Rule 403 of the South Carolina Rules of Evidence regarding impeachment of his witness with four prior convictions. We affirm pursuant to Rule 220(b), SCACR.

Although the circuit court did not make specific findings on the record for all of the *Colf* factors, we hold there were sufficient facts and circumstances in the record to support the circuit court's determination. See *State v. Elmore*, 368 S.C. 230, 238-39, 628 S.E.2d 271, 275 (Ct. App. 2006) ("The current state of the law does not mandate the [circuit] court make an on-the-record specific finding 'as long as the record reveals that the [circuit court] did engage in a meaningful balancing of the probative value and the prejudicial effect before admitting a . . . prior conviction under [Rule] 609(a)(1).'" (quoting *State v. Scriven*, 339 S.C. 333, 341, 529 S.E.2d 71, 75 (Ct. App. 2000))); *State v. Brewton*, 442 S.C. 169, 182, 898 S.E.2d 132, 138 (2024) ("We noted in *Colf* that the [circuit] court must evaluate the *Colf* factors on its own and that a remand to the [circuit] court for that undertaking will be necessary 'when the record does not contain the specific facts and circumstances necessary to a decision.'" (quoting *Colf*, 337 S.C. at 629, 525 S.E.2d at 249 (emphasis removed))); *id.* at 182, 898 S.E.2d at 138 (finding that the circuit court did not abuse its discretion when it only evaluated two of the *Colf* factors because "[t]he evidence in the record support[ed] the [circuit] court's determination that the probative value of the remote strong-arm robbery conviction substantially outweighed the prejudicial effect to [the defendant]").

We hold that the circuit court did not abuse its discretion in admitting prior convictions of strong arm robbery, failure to stop for a blue light, and two drug offenses to impeach a witness because they were probative of his credibility, they revealed a pattern of behavior that called his credibility into question, the identity of the shooter relied entirely upon witness credibility, and their probative value was not substantially outweighed by the danger of unfair prejudice. See *State v. Dunlap*, 346 S.C. 312, 324, 550 S.E.2d 889, 896 (Ct. App. 2001) ("The admission of evidence concerning past convictions for impeachment purposes remains within the [circuit court's] discretion, provided the [circuit court] conducts the analysis mandated by the evidence rules and case law."); Rule 609(a)(1), SCRE (allowing the credibility of a witness to be attacked by evidence that the witness has been

¹ 337 S.C. 622, 627, 525 S.E.2d 246, 248 (2000).

convicted of a crime punishable by "imprisonment in excess of one year" subject to a Rule 403 analysis); Rule 403, SCRE (providing that relevant evidence may be excluded from trial "if its probative value is substantially outweighed by the danger of unfair prejudice"); *Colf*, 337 S.C. at 627, 525 S.E.2d at 248 (providing that when weighing the probative value of prior convictions against the danger for unfair prejudice to the accused under Rule 609, the circuit court should consider: (1) the "impeachment value" of the prior conviction, (2) the timing of the prior conviction, (3) the "similarity between the past crime and the charged crime," (4) the importance of the defendant's testimony, and (5) whether credibility is a central issue in the case); *State v. Robinson*, 426 S.C. 579, 595, 828 S.E.2d 203, 211 (2019) ("[U]nder Rule 609(a)(1), if the witness is the accused and has a prior conviction of a crime punishable by death or imprisonment for more than one year, the [circuit] court must balance the *Colf* factors and determine whether the probative value of the conviction outweighs its prejudicial effect to the accused."); *State v. Black*, 400 S.C. 10, 21, 732 S.E.2d 880, 886 (2012) ("The starting point in the analysis is the degree to which the prior convictions have probative value, meaning the tendency to prove the issue at hand—the witness's propensity for truthfulness, or credibility."); *id.* at 21-22, 732 S.E.2d at 887 ("The tendency to impact credibility . . . determines the impeachment value of the prior conviction. Impeachment value refers to how strongly the nature of the conviction bears on the veracity, or credibility, of the witness."); *Robinson*, 426 S.C. at 599, 828 S.E.2d at 213 ("Although prior convictions for robbery, burglary, theft, and drug possession are not crimes of dishonesty or false statement, which would result in automatic admissibility under Rule 609(a)(2), such convictions may still have impeachment value under Rule 609(a)(1)."); *id.* at 599-600, 828 S.E.2d at 214 ("It was within the [circuit] court's discretion to conclude that because [the defendant] has prior convictions for such offenses, he legitimately might not be considered credible."); *Black*, 400 S.C. at 17 n.4, 732 S.E.2d at 884 n.4 ("Evidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one." (quoting *State v. Wilson*, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001))); *Robinson*, 426 S.C. at 600, 828 S.E.2d at 214 (finding that the "closeness in time between the prior offenses and the offense for which [the defendant] was on trial[] reveal[ed] a pattern of behavior that legitimately evoked questions of [the defendant's] credibility."); *id.* at 603-04, 828 S.E.2d at 216 (finding the trial court acted within its discretion in evaluating the fourth *Colf* factor because "[w]ith or without [the defendant's] testimony, the jury had to resolve the issue of [the witness's] credibility, since [the witness's] testimony was the only direct evidence of [the defendant's] guilt"); *id.* at 606, 828 S.E.2d at 217 ("[W]hen credibility is central to a case, the introduction of prior convictions for impeachment purposes becomes even more legitimate.").

Further, we hold Patterson's argument that the "sanitization" of the witness's prior convictions was just as, if not more, prejudicial is not preserved for review because he did not object to the "sanitization" at trial. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal . . ."); *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007) ("There are four basic requirements to preserving issues at trial for appellate review. The issue must have been (1) raised to and ruled upon by the [circuit] court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the [circuit] court with sufficient specificity." (quoting Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 57 (2d ed. 2002))).

AFFIRMED.²

GEATHERS, HEWITT, and CURTIS, JJ., concur.

² We decide this case without oral argument pursuant to Rule 215, SCACR.

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

IN RE: TO AN EMERGENCY MOTIONING FOR A REHEARING ON THE ORDER
DENYING THE INITIAL MOTION TO RELIEVE COUNSEL BASED UPON NEW
FACTS AND NEW EVIDENCE THAT DID NOT EXIST AT THE TIME OF THE
INITIAL RULING.

TO: THE S.C. COURT OF APPEALS,

ATTACHED IS AN EMERGENCY MOTION FOR REHEARING IN THE PRIOR
ORDER DENYING THE RELIEVING OF COUNSEL BASED UPON NEW EVIDENCE
AND NEW FACTS THAT WERE NOT A PART OR ADJUDICATED UNDER THE
COURT'S INITIAL RULING. CAN YOU PLEASE FILE THE PLEADING WITHIN
THE CASE CAPTIONED ABOVE AND FORWARD IT TO THE JUDGE FOR A
RULING. I THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,

JAMES J. PATTERSON III

AUGUST 5, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001474

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

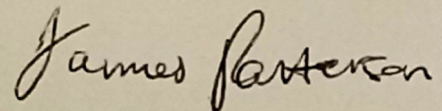
AFFIDAVIT OF SERVICE

I, JAMES JOSEPH PATTERSON III, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; EMERGENCY MOTION FOR REHEARING ON THE PRIOR ORDER DENYING RELIEF OF COUNSEL SEEKING TO SUBSTITUTE COUNSEL

BASED UPON NEWLY DISCOVERED FACTS AND ACTIVE ABANDONMENT AND
NEWLY DISCOVERED EVIDENCE OF RECONCILED FRAUD UPON THE COURT,
CONCEALMENT OF JUDGMENT, AND UNCONSTITUTIONAL TWO DAY PROCEDURAL
VICE (COMPRESSED RESPONSE TIME) AND TO STAY REHEARING DEADLINES
PURSUANT TO RULE 240, SCACR SEEKING ALSO TO STAY THE REMITTITUR
UNTIL RULING OCCURS; MOTION TO SUPPLEMENT THE RECORD AND MOTION
TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS P.O. BOX 11629,
COLUMBIA, S.C. 29211, THE S.C. ATTORNEY GENERAL P.O. BOX 11549,
COLUMBIA, S.C. 29211, THE S.C. COMMISSION ON INDIGENT DEFENSE
DIVISION OF APPELLATE DEFENSE 1330 LADY STREET, SUITE 401,
COLUMBIA, S.C. 29211-3332, AND ALL INVOLVED PARTIES, BY U.S.
MAIL, POSTAGE PREPAID BY PDF AND OR BY DEPOSITING IT WITH ITS
ATTACHMENTS IN THE INSTITUTION MAILBOX ON AUGUST 5, 2026 ONE DAY
BEFORE THE [15] DAY WINDOW TO SEEK REHEARING.

RESPECTFULLY,

JAMES J. PATTERSON III

A handwritten signature in cursive script, reading "James Patterson". The signature is written in dark ink and is positioned below the typed name.

AUGUST 5, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2023-001475

APPEAL FROM LEXINGTON COUNTY
THE COURT OF GENERAL SESSIONS

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

JAMES JOSEPH PATTERSON III,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; EMERGENCY
MOTION FOR REHEARING ON THE PRIOR ORDER DENYING RELIEF
OF COUNSEL SEEKING TO SUBSTITUTE COUNSEL BASED UPON
NEWLY DISCOVERED FACTS AND ACTIVE ABANDONMENT AND NEWLY
DISCOVERED EVIDENCE OF RECONCILED FRAUD UPON THE COURT,
CONCEALMENT OF JUDGMENT, AND UNCONSTITUTIONAL TWO DAY
PROCEDURAL VICE (COMPRESSED RESPONSE TIME) AND TO STAY
REHEARING DEADLINES PURSUANT TO RULE 240, SCACR SEEKING
ALSO TO STAY THE REMITTITUR UNTIL RULING OCCURS; MOTION
TO SUPPLEMENT THE RECORD AND MOTION TO MOTION THEREFOR

TO: THE S.C. COURT OF APPEALS ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) A COPY OF THE LETTER SENT TO THE APPELLANT BY ATTORNEY MOLLY M. KEEGAN DATED JULY 28, 2026 INFORMING THE APPELLANT THAT HIS APPEAL IS OVER, THAT SHE WILL NOT SEEK A REHEARING, NOR WILL SHE SEEK PETITION FOR WRIT OF CERT AND THAT SHE IS CLOSING MY FILE. THIS IS A CLEAR VIOLATION OF THE APPELLANT'S CONSTITUTIONALLY PROTECTED RIGHT OF AUTONOMY IN VIOLATION OF UNITED STATES SUPREME COURT HOLDINGS UNDER McCOY v. LOUISIANA, 584 U.S. 414, 138 S.Ct. 1500, 200 L.Ed.2d. 821(U.S.2018). THE COMPROMISED ATTORNEY ALSO FAILED TO NOTIFY THE APPELLANT OF THE COURT'S RULING UNTIL AUGUST 4, 2026 LEAVING AN UNCONSTITUTIONALLY COMPRESSED RESPONSE WINDOW REGARDING THE RIGHT TO SEEK THE REHEARING AS IS SOUGHT. THIS IS ONGOING NEW EVIDENCE AND INJURY MEANT TO STRIP THE APPELLANT OF DUE PROCESS. THIS FRAUD WAS DESIGNED TO PREVENT THE APPELLANT FROM HAVING A FULL AND FAIR OPPORTUNITY TO PRESENT HIS CASE AND TO EXERCISE HIS APPELLATE RIGHTS, EVANS v. GUNTER, 294 S.C. 525, 366 S.E.2d. 44 (S.C.App.1988). COUNSEL HOLDING A FINAL JUDGMENT UNTIL ONLY (48) HOURS REMAIN TO EXECUTE A JURISDICTIONAL FILING IS A TEXT BOOK DEFINITION OF EXTRINSIC FRAUD. THE ATTORNEY HAS WEAPONIZED HER STATUS AS AN OFFICER OF THE COURT TO INTENTIONALLY BLOCK THE JUDICIAL MACHINERY FROM WORKING IMPARTIALLY, TURNER v. MILLMAN, 392 S.C. 116, 708 S.E.2d. 766(S.C.App.2011). THE INTENTIONAL CONCEALMENT AND WITHHOLDING OF JUDICIAL NOTICE. IN A DELIBERATE AND COORDINATED ACT OF EXTRINSIC FRAUD UPON THIS COURT AND COLLUSION WITH THE STATE, STATE APPOINTED COUNSEL INTENTIONALLY CONCEALED THE FILING OF THIS COURT'S FINAL JUDGMENT FROM THE APPELLANT. THIS CONCEALMENT WAS NOT AN OVERSIGHT AS WAS EVEN FORETOLD BY CRAWFORD IN HIS CURRENTLY PENDING CASE BEFORE THIS COURT. IT IS AN OVERT ACT OF OBSTRUCTION OF JUSTICE DESIGNED TO COMPLETE THE UNCONSTITUTIONAL OBJECTIVES OF CONFLICT-RIDDEN COUNSEL. BECAUSE SOUTH CAROLINA STRICTLY BANS PRO SE HYBRID FILINGS FROM REPRESENTED APPELLANTS UNDER STATE v. STUCKEY,

COUNSEL KNEW THAT BY WITHHOLDING NOTICE UNTIL TWO DAYS REMAINING (SUPPORTED BY THE SIMILAR ACTION DONE IN THE CRAWFORD CASE), THE APPELLANT WOULD BE STRUCTURALLY AND PROCEDURALLY BARRED FROM PREPARING, SERVING, AND FILING A PRO SE MOTION TO RELIEVE HER WITHOUT EXTREME DIFFICULTY AND A PETITION FOR REHEARING BEFORE THE CLOCK EXPIRED. THIS ACTION DID NOT EXIST THE FIRST TIME THE COURT RULED ON THE MOTION TO RELIEVE COUNSEL WHICH COMPEL AN EMERGENCY REHEARING ON THE MOTION TO RELIEVE COUNSEL AND APPOINT SUBSTITUTE COUNSEL DUE TO EXTRINSIC FRAUD. THIS 48 HOUR CRISIS ENTIRELY NEW, CATASTROPHIC FACTS THAT DID NOT EXIST, ALONG WITH THE OTHER MATTERS ARGUED WITHIN THE ATTACHMENTS, WHEN THIS COURT INITIALLY DENIED THE REMOVAL OF COUNSEL. COUNSEL HAS TRANSITIONED FROM A PASSIVE CONFLICT OF INTEREST TO AN ACTIVE, STRUCTURAL SABOTAGE OF THE APPELLANT'S 6TH. AMENDMENT RIGHT TO APPELLATE AUTONOMY UNDER McCOY v. LOUISIANA. TO PERMIT A JUDGMENT TO STAND WHEN AN OFFICIAL OF THE COURT ACTIVELY RUNS OUT HER OWN INDIGENT CLIENT'S JURISDICTIONAL CLOCK TO PROTECT A CONTROVERSIAL STATE PRECEDENT CONSTITUTES A TOTAL SURRENDER OF THIS COURT'S INTEGRITY TO A FRAUD UPON THE COURT. IMMEDIATE REMOVAL, AN EMERGENCY STAY OF THE REMITTITUR UNDER RULE 240(b), AND A (30) DAY RESET OF THE REHEARING TIMELINE ARE THE ONLY CONSTITUTIONALLY PERMISSIBLE REMEDY WHICH THE APPELLANT MOTIONS FOR. ALSO SEE COPY OF ENVELOPE THE NOTICE CAME IN. IT ARRIVED AT THE INSTITUTION ON AUGUST 3, 2026 AND WAS NOT GIVEN TO THE APPELLANT UNTIL AUGUST 4, 2026 WITH ONLY TWO DAYS REMAINING TO MAKE A JURISDICTIONAL CHALLENGE.

(2) EXHIBIT, "FRAUD/COLLUSION/
OBSTRUCTION/INEFFECTIVE STATE PROCESS # 1". THIS IS A COPY OF THE
(30 PAGE AFFIDAVIT OF FACT..., DATED FEBRUARY 21, 2026 FILED
WITHIN THE COURT RECORD.

(3) EXHIBIT, "FRAUD/COLLUSION/
OBSTRUCTION/INEFFECTIVE STATE PROCESS # 2". THIS IS A COPY OF
COVER LETTER AND [14] PAGE AFFIDAVIT OF FACTS..., DATED APRIL 10,
2026 WITH ATTACHED ORDER FILED WITHIN THE COURT RECORD.

(4) EXHIBIT, "FRAUD/COLLUSION/
5-of-10

OBSTRUCTION/INEFFECTIVE STATE PROCESS # 3". THIS IS A COPY OF A [39] PAGE DOCUMENT FILED UNDER CASE 4:26-cv-1992-JFA-TER, [39] PAGES DATED JULY5, 2026 FILED BEFORE THE S.C. DISTRICT COURT. THIS DOCUMENT IS BEING SUBMITTED TO NOTIFY THE COURT OF PENDING FEDERAL REVIEW AND SUPPORT THE CLAIMS OF FRAUD, COLLUSION, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE TO PREVENT CHALLENGE TO THE STATE v. GENTRY CASE OF 2005.

(5) EXHIBIT, "FRAUD/COLLUSION/ OBSTRUCTION/INEFFECTIVE STATE PROCESS # 4". THIS IS A COPY OF VARIOUS COVER LETTERS, A [46] PAGE COPY OF THE AFFIDAVIT OF FACTS....., DATED JULY 26, 2026 FILED UNDER THE APPLICANT'S PCR CASE 2026-CP-32-01723. NOTE THAT THE SAME METHOD OF DEPRIVING OF PROPER NOTICE OF COURT ORDERS WAS DONE BY THE CONSPIRING ACTORS IN THIS CASE AS WELL DEMONSTRATING A CLEAR PATTERN OF UNCONSTITUTIONAL BEHAVIOR, COLLUSION AND OBSTRUCTION OF JUSTICE.

(6) EXHIBIT, "FRAUD/COLLUSION/ OBSTRUCTION/INEFFECTIVE STATE PROCESS # 5". THIS IS A COPY OF THE [4] PAGE LETTER AND [13] PAGE AFFIDAVIT CURRENTLY FILED UNDER THE CRAWFORD CASE 2025-001856. NOTICE THE CONSISTENT PATTERN OF COMPRESSING RESPONSE TIMES, COLLUSION, FRAUD UPON THE COURT AND OBSTRUCTION OF JUSTICE DONE WITHIN ALL THESE CASES TO PREVENT CHALLENGE TO THE STATE v. GENTRY CASE OF 2005.

INASMUCH, THE APPELLANT GIVES JUDICIAL NOTICE AND MOTION TO SUPPLEMENT THE RECORD WITH THE DOCUMENTS FOUND UNDER THE LAWRENCE L. CRAWFORD CASE, CASE 2025-001856. WHILE RULE 210(h) GENERALLY LIMITS APPELLATE REVIEW TO A SPECIFIC RECORD ON APPEAL, THE S.C. SUPREME COURT HAS CARVED OUT AN EXCEPTION FOR JUDICIAL NOTICE OF THE COURT'S OWN FILES. RULE 239 ALLOWS THE APPELLANT TO MOTION TO SUPPLEMENT THE CURRENT RECORD IF CRITICAL DOCUMENT EXIST IN A SISTER CASE THAT DIRECTLY IMPACTS THE DISPOSITION OF THE CURRENT JURISDICTIONAL AND FRAUD CLAIMS. RULE 240(c), SCACR PERMITS MOTIONS TO BE ACCOMPANIED BY AFFIDAVITS OR OTHER RELEVANT DOCUMENTATION NECESSARY TO SHOW THE GROUNDS FOR THE RELIEF

SOUGHT. THE COURT IS GENERALLY LIMITED TO THE RECORD ON REVIEW. HOWEVER, AN EXCEPTION IS RECOGNIZED WHEN A PARTY ASSERTS A "FRAUD UPON THE COURT" OR STRUCTURAL CONSTITUTIONAL DEFECTS THAT OCCURRED OUTSIDE THE COURT RECORD.

SUBJECT MATTER JURISDICTION IS DERIVED STRICTLY FROM ARTICLE V OF THE SOUTH CAROLINA CONSTITUTION. THE GENERAL ASSEMBLY CANNOT RESTRICT OR EXPAND THE CORE CONSTITUTIONAL JURISDICTION OF THE COURT OF GENERAL SESSIONS. WHERE COUNSEL IS COMPROMISED BY THE ATTORNEY GENERAL TO DELIBERATELY WITHHOLD ARGUMENTS THAT EXPOSE FATAL FLAWS IN THE INDICTMENT, THIS CONSTITUTES A STRUCTURAL DENIAL OF THE 6TH. AMENDMENT RIGHT TO CONFLICT-FREE COUNSEL. IN THE CASE OF STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494(S.C.App.2005)(GENTRY ONLY ADDRESSES PLEADING DEFECTS AND CANNOT CONSTITUTIONALIZED A COMPLETELY VOID OR NON-EXISTENT STATUTORY ELEMENT REQUIREMENT TO VEST THE COURT WITH AUTHORITY OVER A SPECIFIC CLASS OF CASE OR THE OTHER STRUCTURAL ERRORS ARGUED LIKE TAKING AWAY THE PRESUMPTION OF INNOCENCE AND CHANGING LEGAL THEORIES RETURNED BY THE GRAND JURY); TURNER v. MILLMAN, 392 S.C. 116, 708 S.E.2d. 766 (S.C.2011)(THE COURT DEFINED "FRAUD UPON THE COURT" NARROWLY AS A WRONG THAT SUBVERTS THE INTEGRITY OF THE COURT ITSELF, OR IS PERPETRATED BY OFFICERS OF THE COURT SO THAT THE JUDICIAL MACHINERY CANNOT PERFORM ITS IMPARTIAL TASKS SUCH AS BY THE COLLUSION BETWEEN THE STATE APPOINTED ATTORNEY AND ATTORNEY GENERAL AND POTENTIALLY THE COURT); STATE v. BLANKENSHIP, 439 S.C. 284, 887 S.E.2d. 133 (S.C.App.2023)(STRUCTURAL ERRORS AFFECTING THE FRAMEWORK OF A TRIAL OR APPEAL DEFY HARMLESS ERROR ANALYSIS AND REQUIRE AUTOMATIC REVERSAL); STATE v. REDIC, 442 S.C. 301, 898 S.E.2d. 115 (S.C.App.2024)(THE CASE ADDRESSES THE ABSOLUTE RIGHT TO CONFLICT-FREE REPRESENTATION ON APPEAL. IF COUNSEL ABANDONS THE CLIENT OR ACTS IN ALIGNMENT WITH THE STATE'S INTEREST OVER THE CLIENT'S, AN ACTUAL CONFLICT OF INTEREST EXISTS, STRUCTURAL ERROR APPLIES, AND PREJUDICE IS PRESUMED); STATE v. SIMPKINS, 445 S.C. 112, 912 S.E.2d. 404 (S.C.App.2025)(THE COURT RETAINS INHERENT POWER TO VACATE OR AMEND JUDGMENTS AT ANY TIME IF THE UNDERLYING

JUDGMENT WAS OBTAINED THROUGH FRAUD, COLLUSION, OR LACK OF FOUNDATIONAL JURISDICTION. THE RECORD IS MOTIONED SUPPLEMENTED TO OBTAIN ALL DOCUMENTS UNDER CASE 2025-001856.

THE APPELLANT MOVES THIS COURT TO SUBSTITUTE FOR CONFLICT-FREE COUNSEL PURSUANT TO RULE 240, SCACR AND STUCKEY v. STATE, TO IMMEDIATELY RELIEVE COUNSEL DUE TO AN ACTIVE, UNCONSTITUTIONAL CONFLICT OF INTEREST, AND TO STAY ALL REMITTITUR AND REHEARING TIMELINES. COUNSEL HAS ABANDONED THE APPELLANT BY CLOSING HER FILES DESPITE FATAL JURISDICTIONAL DEFECTS AND SYSTEMATIC FRAUD UPON THE COURT. THE APPELANT FILES THIS TO PREVENT A MISCARRIAGE OF JUSTICE AND TO ENSURE THE RECORD IS PRESERVED FOR A PETITION FOR WRIT OF CERTIORARI TO THE S.C. SUPREME COURT AND OR FEDERAL HABEAS CORPUS TO ESTABLISH THAT THE STATE PROCESS IS INEFFECTIVE IN PROTECTING THE APPELLANT'S CONSTITUTIONAL RIGHTS. APPOINTED COUNSEL'S REFUSAL TO CHALLENGE THE UNCONSTITUTIONAL APPLICATION OF STATE v. GENTRY STEMS FROM EXTERNAL PRESSURES BY THE STATE, COMPROMISING HER DUTY AND LOYALTY. THIS STRUCTURAL DEFECT CONSTITUTE A FRAUD UPON THE COURT UNDER TILLMAM v. MILLMAN. THE COURT OF APPEALS LACK CONSTITUTIONAL SUBJECT MATTER JURISDICTION TO ENTER FINAL JUDGMENT DUE TO FATAL, UNAMENDABLE ELEMENTS OMITTED AND STRUCTURAL DEFECTS AS ARGUED REGARDING THE INDICTMENT(S) AND COMPROMISED APPOINTED COUNSEL. STATE v. GENTRY CANNOT CURE A DEFECT WHERE THE STATUTORY "AND" CONSTITUTIONAL ELEMENTS FAIL TO ALIGN TO VEST THE COURT WITH AUTHORITY. THIS EMERGENCY MOTION FOR REHEARING ON THE PRIOR ORDER DENYING RELIEF OF COUNSEL IS BASED NEWLY DISCOVERED FACTS AND ACTIVE ABANDONMENT THAT WERE NOT REVEAL OR ADDRESSED WITHIN THE COURT OF APPEALS INITIAL RULING DENYING THE MOTION TO RELIEVE COUNSEL FOR SUBSTITUTE AND CONFLICT FREE REPRESENTATION.

THE UNITED STATES SUPREME COURT DETERMINED UNDER McCOY v. LOUISIANA (WHILE ORIGINALLY FILED AT TRIAL LEVEL), ITS CORE CONSTITUTIONAL HOLDINGS ARE NOT LIMITED TO TRIALS AND APPLY ON DIRECT APPEAL. McCOY ESTABLISHES THAT THE APPELANT POSSESSES A 6TH. AMENDMENT RIGHT TO AUTONOMY TO DECIDE THE ABSOLUTE

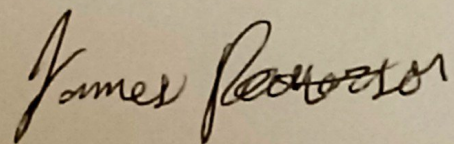
OBJECTIVES OF HIS DEFENSE. THE STATE APPOINTED ATTORNEY IS IN VIOLATION OF THE APPELLANT'S FUNDAMENTAL RIGHT OF AUTONOMY UNDER THE 6TH. AMENDMENT. IN McCOY, THE U.S. SUPREME COURT DREW THE LINE BETWEEN STRATEGIC CHOICES AND AUTONOMOUS OBJECTIVES. (STRATEGIC OBJECTIVES FOR COUNSEL: WHAT WITNESSES TO CALL, WHAT OBJECTIONS TO RAISE, OR HOW TO PHRASE AN ARGUMENT; AUTONOMOUS OBJECTIVES: WHETHER TO PLED GUILTY, WHETHER TO TESTIFY, WHETHER TO APPEAL (EMPHASIS ADDED), AND WHETHER TO MAINTAIN INNOCENCE). BY REFUSING TO FILE FOR REHEARING AND DECLARING THAT SHE IS "CLOSING THE FILE", THE ATTORNEY HAS UNILATERALLY CHANGED THE OBJECTIVES OF THE APPELLANT'S DEFENSE FROM SEEKING A REVERSAL ON DIRECT APPEAL TO FORFEITING THE DIRECT APPEAL AND ACCEPTING A FINAL JUDGMENT. UNDER McCOY, AN ATTORNEY CANNOT A WAIVER OF JUDICIAL REVIEW OR ABANDON THE APPELLANT'S CORE OBJECTIVES, AND THAT'S TO REACH THE SUPREME COURT TO ARGUE CHALLENGE TO GENTRY, OVER THE EXPLICIT VOCAL OBJECTIONS OF HER CLIENT, AND THEN DELAY SERVICE OF THE RULING TO DEPRIVE THE APPELLANT OF THE [15] DAY WINDOW TO FILE FOR REHEARING IN FRAUD UPON THE COURT, COLLUSION AND OBSTRUCTION OF JUSTICE.

THE STATE MAY CONTEND THAT COUNSEL'S REFUSAL TO SEEK THE REHEARING WAS A MATTER OF APPELLATE STRATEGY. THIS ARGUMENT FAILS AS A MATTER OF FEDERAL CONSTITUTIONAL LAW. IN McCOY v. LOUISIANA, 584 U.S. 414(2018), THE UNITED STATES SUPREME COURT CLARIFIED THAT A CRIMINAL DEFENDANT POSSESSES AN UNALIENABLE 6TH. AMENDMENT RIGHT OF AUTONOMY TO DICTATE THE FOUNDATIONAL OBJECTIVES OF HIS DEFENSE. WHILE COUNSEL MANAGES TACTICAL DECISIONS, THE CHOICE OF WHETHER TO SURRENDER OR TO PERSIST IN CHALLENGING THE CONVICTION IS AN OBJECTIVE RESERVED EXCLUSIVELY TO THE APPELLANT. HERE, APPELLANT'S OBJECTIVE IS TO ASSERT A FATAL CONSTITUTIONAL AND STATUTORY SUBJECT MATTER JURISDICTION DEFECT THAT RENDERS A JUDGMENT VOID. APPOINTED COUNSEL'S REFUSAL TO FILE A PETITION FOR REHEARING AND HER UNILATERAL DECISION TO "CLOSE THE FILE" OVER APPELLANT'S EXPRESSED OBJECTION OVERRIDES THE APPELLANT'S CONSTITUTIONAL AUTONOMY. UNDER McCOY THIS IS A STRUCTURAL ERROR THAT STRIPS THE COURT OF ITS IMPARTIAL MACHINERY AND REQUIRES AN

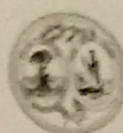
IMMEDIATE REMEDY: RELIEVING CONFLICT-RIDDEN COUNSEL AND APPOINTING NON CONFLICT COUNSEL, OR ALLOWING THE APPELLANT TO ACT PRO SE, ONLY AS A LAST RESORT, RESTORES THE APPELLANT'S RIGHT TO PURSUE HIS CHOSEN DEFENSE OBJECTIVES VIA COUNSEL THAT DOESN'T POSSES A CONFLICT OR GIVEN OPPORTUNITY TO ACT PRO SE, NOT BECAUSE THE APPELLANT IS ASSERTING HE HAS A CONSTITUTIONAL RIGHT TO ACT PRO SE. RATHER, SPECIFICALLY, BECAUSE HE HAS A CONSTITUTIONAL RIGHT TO CONFLICT FREE REPRESENTATION AND A CONSTITUTIONAL RIGHT OF AUTONOMY IN PURSUING THE OBJECTIVES OF HIS DEFENSE EVEN ON DIRECT APPEAL. THE COURT OF APPEALS CANNOT OVERRULE THE UNITED STATES SUPREME COURT WITH AN OLD 2005 CASE THAT THE COURT CITED. BECAUSE AN AUTONOMY VIOLATION IS A CONSTITUTIONAL STRUCTURAL ERROR, PREJUDICE IS AUTOMATICALLY PRESUMED. THE RELIEF WITHIN THE CAPTION IS SOUGHT BY THIS FILING INCLUDING MOTION TO SUPPLEMENT THE RECORD WITH THE MATTERS SOUGHT THAT FURTHER ESTABLISH THE CLAIMS OF FRAUD UPON THE COURT, COLLUSION, CONSPIRING UNDER COLOR OF STATE LAW, AND OBSTRUCTION OF JUSTICE TO PREVENT A LEGITIMATE CHALLENGE TO THE STATE v. GENTRY CASE OF 2005.

RESPECTFULLY,

JAMES J. PATTERSON III



AUGUST 5, 2026



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Wanda H. Carter, Chief Appellate Defender

July 28, 2026

James J. Patterson, #368709
Evans Correctional Institution
610 Hwy. 9 West
Bennettsville, SC 29512

Dear Mr. Patterson:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. Unfortunately, this is not the outcome we hoped for. Based on the unpublished opinion by the Court, with no dissenting opinion, I did not file a petition for rehearing and will not be filing a petition for writ of certiorari with the South Carolina Supreme Court. In my professional opinion, the South Carolina Supreme Court would not grant the petition for writ of certiorari to review this decision by the Court of Appeals.

The direct appeal process is now final, and our office will be closing your case. If you wish to continue to challenge your conviction, your next step would be post-conviction relief (PCR). A blank PCR application is enclosed. You may wish to allege that trial counsel was ineffective for failing to present an additional defense witness that could corroborate your trial testimony. Please discuss this and all other PCR issues with your PCR counsel once hired or appointed.

Please be aware that there is a **one-year statute of limitations for filing an application for PCR relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that **you** comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction.** There is also now a **one-year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

Molly M. Keegan
Appellate Defender

/cws

Enclosure: Post-Conviction Relief Application