

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

CASE DOCKET NO. 2025-001856

APPEAL FROM KERSHAW COUNTY
THE COURT OF GENERAL SESSIONS

CASE NO. 2004-GS-28-00385

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE,

PETITIONER

Vs. ,

THE STATE OF SOUTH CAROLINA,

RESPONDENT(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITIONER
/APPELLANT'S EMERGENCY MOTION TO STAY THE APPENDIX DEADLINE
AND FOR EXTENSION OF TIME TO FILE RULE 247 APPENDIX
PENDING RETENTION AND OR APPOINTMENT OF LEGAL COUNSEL AND
MOTION TO MOTION THEREFOR

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

THE PETITIONER/APPELLANT RESPECTFULLY MOVES THIS COURT PURSUANT TO RULE 240, SCACR, RULE 247, SCACR, S.C. CODE ANN. §§ 17-28-60 AND 17-28-90(G), AND THE PRINCIPLES RECOGNIZED IN MACK v. STATE, 432 S.C. 1, 849 S.E.2d. 303 (S.C.App.2021), FOR AN ORDER (1) HOLDING THE CURRENT APPLICABLE APPENDIX DEADLINE IN ABEYANCE PENDING DISPOSITION OF THIS MOTION AND (2) GRANTING AN ADDITIONAL THIRTY (30) DAYS BEYOND THE TIME CURRENTLY GIVEN BY THE COURT AFTER DISPOSITION OF THIS MOTION, OR SUCH OTHER PERIOD AS THE COURT DEEMS JUST, TO PERMIT THE PETITIONER/APPELLANT TO OBTAIN, RETAIN, AND CONSULT WITH APPELLATE COUNSEL IN THE FORM OF TANYA D. JEFFORDS & ASSOCIATES, PC AT 1431 RICHLAND AVENUE WEST, AIKEN, SOUTH CAROLINA 29801 WHO IN THE PAST HAS LITIGATED BEFORE THIS COURT, TO ALLOW HER TO COMPLETE THE APPENDIX IN CONFORMITY WITH RULE 247. THE APPELLANT HAS RECEIVED NOTIFICATION FROM CAT PHILLIPS, THE INTAKE SPECIALIST WITH JEFFORDS & ASSOCIATES WHO INFORMED THE APPELLANT THAT THEY WILL BE OUT OF THE OFFICE UNTIL AFTER OR ABOUT OCTOBER 7, 2026 AND INSTRUCTED THE APPELLANT TO CONTACT THEM THEREAFTER TO DISCUSS THE CONSULTATION PROCESS FOR THE PURPOSE OF SEEKING TO HIRE THEIR FIRM TO TAKE OVER THE APPELLANT'S CURRENT APPEAL SINCE THE COURT DENIED THE MOTION TO COMPEL PRODUCTION WHICH THE APPELLANT SEES AS ESSENTIAL TO ESTABLISHING THE APPENDIX THAT IS TO BE PLACED BEFORE THIS COURT. THE FINANCES ARE ALREADY IN PLACE TO SOLICIT THE HIRING OF THIS PARTICULAR LEGAL FIRM WHO HAS IN THE PAST LITIGATED BEFORE THIS VERY COURT. THIS MOTION IS BASED UPON "GOOD CAUSE", THE COMPLEXITY AND IMPORTANCE OF THE REQUIRED APPENDIX, PETITIONER/APPELLANT'S ACTIVE EFFORTS TO OBTAIN LEGAL COUNSEL, THE STATUTORY IMPORTANCE OF APPELLATE REVIEW IN DNA-TESTING PROCEEDINGS, AND THE NEED TO AVOID AN INCOMPLETE OR INACCURATE APPENDIX THAT COULD IMPAIR MEANINGFUL APPELLATE REVIEW.

I. RECENT PROCEDURAL DEVELOPMENT:

(1) ON SEPTEMBER 29, 2026, THIS COURT ENTERED AN ORDER DENYING PETITIONER/APPELLANT'S MOTION TO COMPEL PRODUCTION AND TRANSMISSION OF THE COMPLETE LOWER-COURT RECORD.

(2) IN THAT SAME ORDER, THE COURT GRANTED PETITIONER/APPELLANT AN ADDITIONAL THIRTY (30) DAYS TO FILE THE APPENDIX.

(3) PETITIONER/APPELLANT RESPECTFULLY SEEKS A FURTHER, LIMITED EXTENSION BECAUSE HE IS ACTIVELY ATTEMPTING TO RETAIN LEGAL COUNSEL IN THE FORM OF MS. ATTORNEY TANYA D. JEFFORDS & ASSOCIATES TO ASSIST WITH THIS APPEAL AND THE PREPARATION OF THE RULE 247 APPENDIX. THE ADDITIONAL THIRTY-DAY PERIOD PREVIOUSLY GRANTED BY THE COURT PROVIDES IMPORTANT TIME, BUT IT DOES NOT ADEQUATELY ALLOW PETITIONER/APPELLANT TO COMPLETE THE PROCESS OF IDENTIFYING, CONSULTING WITH, AND RETAINING COUNSEL AND THEN PERMITTING COUNSEL A MEANINGFUL OPPORTUNITY TO REVIEW THE RECORD AND APPENDIX.

(4) PETITIONER/APPELLANT HAS BEEN ACTIVELY SEEKING LEGAL REPRESENTATION AND PURSUING A CONSULTATION WITH COUNSEL IN THE FORM OF JEFFORDS & ASSOCIATES LICENSED TO PRACTICE LAW IN SOUTH CAROLINA. THE PURPOSE OF THE REQUESTED EXTENSION IS NOT DELAY FOR ITS OWN SAKE. IT IS TO OBTAIN COMPETENT UNCOMPROMISED LEGAL ASSISTANCE AND TO ENSURE THAT THE APPENDIX AND PETITION ARE PREPARED ACCURATELY AND IN COMPLIANCE WITH THE GOVERNING APPELLATE RULES.

II. RULE 240 EXPRESSLY AUTHORIZES A MOTION FOR EXTENSION OF TIME:

(5) RULE 240(a), SCACR, EXPRESSLY PROVIDES THAT RULE 240 GOVERNS MOTIONS FOR EXTENSION OF TIME FILED IN THE APPELLATE COURTS.

(6) RULE 240(b) PROVIDES THAT THE FILING OF A MOTION DOES NOT ITSELF STAY APPELLATE TIME LIMITS UNLESS OTHERWISE PROVIDED BY THE RULES OR ORDERED BY THE APPELLATE COURT. ACCORDINGLY, PETITIONER/APPELLANT SPECIFICALLY REQUESTS AN ORDER HOLDING THE APPENDIX DEADLINE IN ABEYANCE WHILE THIS MOTION

IS PENDING SO THAT THE REQUESTED RELIEF IS NOT RENDERED MOOT BY EXPIRATION OF THE EXISTING DEADLINE BEFORE THE COURT CAN ACT.

(7) RULE 240(c) REQUIRES A MOTION TO STATE ITS GROUNDS AND INCLUDE SUPPORTING AUTHORITIES AND, WHERE APPROPRIATE, AFFIDAVITS OR OTHER SUPPORTING DOCUMENTS. PETITIONER/APPELLANT SUBMITS THIS MOTION WHICH IS ALSO FILED AS AN AFFIDAVIT, IN COMPLIANCE WITH THOSE REQUIREMENTS.

(8) RULE 240 GIVES THE APPELLATE COURT AUTHORITY TO GRANT OR DENY MOTIONS FOR EXTENSION OF TIME. THE REQUEST IS LIMITED AND SUPPORTED BY CONCRETE CIRCUMSTANCES RATHER THAN GENERALIZED INCONVENIENCE.

III. RULE 247 MAKES THE APPENDIX A SUBSTANTIAL AND CRITICAL PART OF THE DNA APPEAL:

(9) RULE 247(c), SCACR, REQUIRES THE PETITIONER TO SERVE AND FILE THE PETITION AND APPENDIX WITHIN (30) DAYS OF RECEIPT OF THE TRANSCRIPT, SUBJECT TO ENLARGEMENT BY THE COURT.

(10) RULE 247(c) REQUIRES THE APPENDIX TO CONTAIN THE ENTIRE LOWER-COURT RECORD, A COPY OF THE FINAL ORDER, AND AN INDEX SETTING FORTH THE PRINCIPLE MATTERS CONTAINED IN THE APPENDIX.

(11) THE APPENDIX THEREFORE IS NOT MERELY A COLLECTION OF SELECTED DOCUMENTS. IT IS THE PRINCIPLE RECORD PRESENTED TO THE APPELLATE COURT FOR PURPOSES OF RULE 247 REVIEW.

(12) THE COURT'S SEPTEMBER 29, 2026 DENIAL OF THE MOTION TO COMPEL PRODUCTION DOES NOT ELIMINATE PETITIONER/APPELLANT'S OBLIGATION TO PREPARE THE APPENDIX FROM MATERIALS PRESENTLY AVAILABLE. RATHER, IT MAKES CAREFUL ORGANIZATION AND REVIEW OF THE EXISTING RECORD EVEN MORE IMPORTANT.

(13) PETITIONER/APPELLANT MUST IDENTIFY AND ORGANIZE THE RELEVANT DNA-TESTING APPLICATION, PLEADINGS, ORDERS, TRANSCRIPT MATERIALS, DOCKET MATERIALS, FINAL ORDER, AND OTHER PORTIONS OF THE LOWER-COURT RECORD PROPERLY INCLUDED. THE APPENDIX MUST ALSO CONTAIN AN ACCURATE INDEX.

(14) THE ISSUES RAISED INCLUDE SUBSTANTIAL QUESTIONS CONCERNING THE DNA TESTING PROCEEDINGS, THE SUPPRESSION OF OTHER RELATED EXCULPATORY EVIDENCE (ie. THE SLED INVESTIGATIVE FILE NO. 5501014 UNDER THE PREDICATE UNLAWFUL NEGLECT CASE) PRODUCING VIOLATIONS OF WEARRY v. CAIN, 2016 VIA BRADY AND SOUGHT DISCOVERY VIOLATIONS, SUBJECT MATTER JURISDICTION CLAIMS UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION, THE CONTEXT AND PROCEDURAL HISTORY OF THE UNDERLYING RECORD, THE IDENTITY AND TREATMENT OF PERSONS PARTICIPATING IN THE PROCEEDINGS, AND THE LEGAL SIGNIFICANCE OF MATERIALS PRESENTED TO THE LOWER COURT. COUNSEL'S REVIEW WOULD MATERIALLY ASSIST IN ENSURING THAT THE APPENDIX ACCURATELY IDENTIFIES AND PRESENTS THOSE MATERIALS.

IV. THE DNA ACT AND MACK SUPPORT A MEANINGFUL OPPORTUNITY FOR APPELLATE COUNSEL:

(15) S.C. CODE ANN. § 17-28-90(G) EXPRESSLY PROVIDES THAT AN APPLICANT AND THE SOLICITOR OR ATTORNEY GENERAL, AS APPLICABLE, HAVE A RIGHT TO APPEAL THE FINAL, ORDER GRANTING OR DENYING DNA TESTING BY WRIT OF CERTIORARI AS PROVIDED BY THE SOUTH CAROLINA APPELLATE COURT RULES.

(16) S.C. CODE ANN. § 17-28-60 PROVIDES FOR APPOINTMENT OF COUNSEL FOR AN INDIGENT DNA-TESTING APPLICANT AFTER THE COURT DETERMINES THAT THE APPLICATION IS SUFFICIENT TO PROCEED TO A HEARING AND BEFORE THE ACTUAL HEARING, SUBJECT TO THE STATUTE'S REQUIREMENTS.

(17) IN MACK v. STATE, 432 S.C. 1, 849 S.E.2d. 303

(S.C.App.2021), THE SOUTH CAROLINA SUPREME COURT RECOGNIZED THAT THE DNA ACT'S STATUTORY RIGHT TO APPELLATE REVIEW CARRIES PROTECTIONS CONCERNING THE ASSISTANCE OF APPELLATE COUNSEL. THE COURT HELD THAT ANDERS-TYPE PROTECTIONS APPLY TO THE DNA ACT TO SAFEGUARD AN APPLICANT'S STATUTORY RIGHT TO SEEK APPELLATE REVIEW AND THAT AN APPLICANT WHO WAS PREVENTED FROM SEEKING REVIEW COULD PURSUE A REMEDY PROVIDING AN OPPORTUNITY FOR BELATED REVIEW.

(18) MACK DOES NOT AUTOMATICALLY ENTITLE EVERY CIVIL LITIGANT TO APPOINTED COUNSEL OR DICTATE THE OUTCOME OF THIS MOTION. IT DOES, HOWEVER, DEMONSTRATE THE IMPORTANCE SOUTH CAROLINA LAW PLACES ON MEANINGFUL APPELLATE REVIEW OF DNA-TESTING DECISIONS AND ON COUNSEL PROTECTIONS WHERE THE STATUTORY RIGHT TO APPELLATE REVIEW WOULD OTHERWISE BE IMPAIRED. THIS IS COMPOUNDED BY THE PREJUDICE OF THE CLEAR CONFLICT OF INTEREST INVOLVING THE INDIGENT DEFENSE OFFICE WHERE THIS COURT SHOULD HAVE AND COULD HAVE OFFERED THE APPOINTMENT OF UNCOMPROMISED COUNSEL UNDER RULE 608, SCACR, FROM OUTSIDE THE INDIGENT DEFENSE OFFICE WHICH WOULD HAVE BEEN ACCEPTED BY THE APPELLANT PRODUCING EXTREME PREJUDICE REGARDING THE APPELLANT'S DUE PROCESS MATTERS.

(19) HERE, THE REQUESTED EXTENSION IS NARROWER THAN THE RELIEF RECOGNIZED IN MACK. PETITIONER/APPELLANT IS ASKING FOR TIME TO OBTAIN OR RETAIN COUNSEL AND TO PERMIT COUNSEL A MEANINGFUL OPPORTUNITY TO REVIEW AND PREPARE THE RULE 247 APPENDIX. THE REQUEST IS DESIGNED TO PRESERVE, RATHER THAN ENLARGE, THE STATUTORY AND APPELLATE RIGHTS ALREADY PROVIDED BY SOUTH CAROLINA LAW.

V. GOOD CAUSE EXISTS FOR A LIMITED EXTENSION TO RETAIN COUNSEL:

(20) PETITIONER/APPELLANT IS PRESENTLY PROCEEDING WITHOUT RETAINED COUNSEL AND IS MAKING ACTIVE EFFORTS TO OBTAIN LEGAL REPRESENTATION IN THE FORM OF JEFFORDS & ASSOCIATES, PC OUT OF AIKEN, SOUTH CAROLINA.

(21) THE REQUESTED EXTENSION IS NECESSARY TO PROVIDE A REALISTIC OPPORTUNITY FOR COUNSEL TO BE CONTACTED, TO CONDUCT AN INITIAL CONSULTATION, TO REVIEW THE PROCEDURAL POSTURE, AND, IF COUNSEL AGREES TO UNDERTAKE REPRESENTATION, TO REVIEW THE RECORD AND ASSIST IN PREPARING THE APPENDIX AND PETITION.

(22) A SHORT EXTENSION WOULD PROMOTE ACCURACY AND JUDICIAL ECONOMY. IT IS PREFERABLE TO ALLOW COUNSEL A REASONABLE OPPORTUNITY TO REVIEW THE RECORD BEFORE THE APPENDIX IS FILED RATHER THAN REQUIRE A HURRIED FILING THAT MAY OMIT MATERIAL PORTIONS OF THE RECORD, CONTAIN AVOIDABLE INDEXING ERRORS, OR REQUIRE LATER CORRECTIVE MOTIONS.

(23) PETITIONER/APPELLANT IS NOT REQUESTING AN OPEN-ENDED POSTPONEMENT. HE REQUESTS ONLY AN ADDITIONAL THIRTY DAYS BEYOND THE TIME GIVEN BY THE COURT OR OTHER SUCH LIMITED PERIOD AS THE COURT DETERMINES APPROPRIATE.

(24) PETITIONER/APPELLANT WILL CONTINUE WORKING ON THE APPENDIX DURING THE REQUESTED PERIOD AND WILL FILE SOONER IF COUNSEL IS RETAINED AND THE APPENDIX CAN REASONABLY BE COMPLETED BEFORE THE EXTENDED DEADLINE.

VI. THE HISTORICAL GRAND-JURY RECORD WARRANTS PRESERVATION AND REVIEW BEFORE THE APPENDIX IS COMPLETED:

(25) THE UNDERLYING CRIMINAL CASES IDENTIFIED AS KERSHAW COUNTY CASE 2004-GS-28-0385. A MATERIAL FACTUAL ISSUE ARGUED BEFORE THE LOWER COURT AND INDICATED WITHIN THE INITIAL BRIEF CONCERNS THE DATE AND CIRCUMSTANCES UNDER WHICH THE KERSHAW COUNTY GRAND JURY THAT ALLEGEDLY RETURNED THE INDICTMENT WAS CONVENED AND WHETHER THE FOURTH WEEK OF MARCH 2004 WAS A REGULARLY AUTHORIZED GRAND JURY SESSION OR A SPECIAL SESSION REQUIRING AN ADDITIONAL ORDER.

(26) THE PUBLISHED SOUTH CAROLINA COURT SCHEDULE

ESTABLISHES THAT KERSHAW COUNTY'S REGULAR TERM OF THE COURT OF GENERAL SESSIONS WAS HELD ON THE THIRD MONDAY IN FEBRUARY, THE THIRD MONDAY IN MAY, AND THE FOURTH MONDAY IN OCTOBER. THE STATUTORY SCHEDULE THEREFORE, DOES NOT, ON ITS FACE, ESTABLISH A REGULAR KERSHAW COUNTY GENERAL SESSIONS TERM DURING THE FOURTH WEEK OF MARCH 2004. SEE S.C. CODE ANN. § 14-5-670(1)(2003).

(27) THAT OBSERVATION DOES NOT ESTABLISH THAT NO LAWFUL MARCH PROCEEDING OCCURRED. SOUTH CAROLINA LAW SEPARATELY AUTHORIZED SPECIAL SESSIONS OF THE COURT OF GENERAL SESSIONS. UNDER S.C. CODE ANN. § 14-5-910, A SPECIAL SESSION COULD BE ORDERED WHEN THE PUBLIC INTEREST REQUIRED IT, FOLLOWING A STATUTORY PETITION AND APPROVAL PROCESS, WITH THE ORDER TRANSMITTED TO AND FILED BY THE CLERK OF COURT. SECTION 14-5-920 LIKEWISE AUTHORIZED A PRESIDING CIRCUIT JUDGE, IN SPECIFIED CIRCUMSTANCES, TO ORDER A SPECIAL SESSION AND REQUIRE THE ORDER TO BE ENTERED UPON THE CLERK'S RECORDS. THIS MAY ALSO BE THE IMPETUS AS TO WHY THIS COURT DENIED PRODUCTION, TO PREVENT THESE MATERIAL FACTS FROM BEING ESTABLISHED WITHIN THE APPELLATE RECORD IN A BACKWARDS-LOOKING-ACCESS-TO-THE-COURT CONCERN.

(28) THE CRITICAL QUESTION THEREFORE IS NOT SIMPLY WHETHER GRAND JURY ACTIVITY APPEARS ON A MARCH 2004 DATE. THE QUESTION IS WHETHER THE COURT AND GRAND-JURY PROCEEDING OCCURRING ON THAT DATE WERE AUTHORIZED BY THE APPLICABLE STATUTORY SCHEDULE OR BY A PROPERLY ISSUED SPECIAL-SESSION ORDER, AND WHETHER THE JURORS SERVING WERE LAWFULLY DRAWN, SUMMONED, QUALIFIED, AND IMPANELED. SOUTH CAROLINA PROSECUTORS HAVE BEEN IN FRAUD ILLEGALLY RUBBER STAMPING INDICTMENTS AGAINST THE AFRICAN AMERICAN AND POOR WHITE INMATES FOR DECADES WHICH WAS EVEN HIGHLIGHTED ON NATIONAL PUBLIC RADIO (NPR) WERE THEY WERE CAUGHT IN YORK COUNTY REGARDING ABOUT 300 CASES THAT THE YORK COUNTY GENERAL SESSIONS COURT DISMISSED THE INDICTMENTS FOR THIS VERY REASON. THIS IS INDISPUTABLY DOCUMENTED BY PUBLIC RECORD, IN THEIR EFFORTS TO ESTABLISH A NEW FORM OF MODERN DAY SLAVERY AS DEPICTED BY THE PROMINENT STANFORD LAW PROFESSOR AND INDEPENDENT INVESTIGATOR, MICHELLE ALEXANDER, IN HER BOOK ENTITLED, "MASS

INCARCERATION DURING THE AGE OF COLORBLINDNESS, THE NEW JIM CROW".

(29) THE 2003 SOUTH CAROLINA CODE PROVISIONS GOVERNING COUNTY GRAND JURIES ARE PARTICULARLY IMPORTANT. SECTION 14-7-1520 REQUIRED THE JURY COMMISSIONERS TO DRAW THE NUMBER OF GRAND JURORS DETERMINED SUFFICIENT TO IMPANEL A GRAND JURY NOT LESS THAN FIFTEEN DAYS BEFORE THE FIRST TERM OF GENERAL SESSIONS FOR THE CALENDAR YEAR, WITH WRITS OF VENIRE FACIAS REQUIRING ATTENDANCE ON THE FIRST DAY OF THE WEEK OF THE CRIMINAL COURT OR ANOTHER TIME DESIGNATED BY THE CLERK. SECTION 14-7-1530 REQUIRED THE PRESIDING JUDGE TO DETERMINE JUROR QUALIFICATIONS AND REQUIRE THE CLERK TO MAINTAIN LISTS OF JURORS EXCUSED OR DISQUALIFIED AND THE REASONS GIVEN. SECTION 14-7-1540 GOVERNED THE RANDOM DRAWING OF THE GRAND JURORS AND ALTERNATES AFTER QUALIFICATION.

(30) THESE PROVISIONS MAKE THE HISTORICAL JURY-SELECTION AND IMPANELMENT RECORDS POTENTIALLY DECISIVE EVIDENCE CONCERNING WHETHER THE GRAND JURY THAT ALLEGEDLY RETURNED THE INDICTMENT WAS THE LEGALLY CONSTITUTED BODY AUTHORIZED TO ACT ON THE DATE IN QUESTION. THE REQUESTED RECORDS SHOULD THEREFORE INCLUDE, TO THE EXTENT THEY EXIST AND ARE LEGALLY DISCLOSABLE, THE JURY COMMISSIONERS' DRAWING RECORDS, GRAND JURY VENIRE, WRITS OF VENIRE FACIAS, PROOF OF RETURNS OF SERVICE, QUALIFICATION RECORDS, LISTS OF EXCUSED/DISQUALIFIED OR UNSERVED JURORS, THE RANDOM DRAWING RECORD FOR THE FINAL GRAND JURY PANEL AND ALTERNATES, THE GRAND-JURY ATTENDANCE/IMPANELMENT RECORD, THE FOREMAN DESIGNATION, THE APPLICABLE COURT CALENDAR, AND ANY ORDER SETTING OR AUTHORIZING THE MARCH PROCEEDING.

EVANS v. STATE PROVIDES IMPORTANT AUTHORITY FOR OBTAINING IMPANELMENT DOCUMENTS--BUT ITS SCOPE SHOULD BE STATED PRECISELY:

(31) IN EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510 (S.C.App.2005), THE SOUTH CAROLINA SUPREME COURT HELD THAT A CRIMINAL DEFENDANT HAS A RIGHT TO OBTAIN DOCUMENTS PERTAINING TO

THE IMPANELMENT OF THE STATE GRAND JURY THAT INDICTED HIM. THE COURT SPECIFICALLY IDENTIFIED THE STATE'S PETITION, SUPPORTING MATERIALS, AND THE IMPANELING JUDGE'S ORDER AS IMPANELMENT DOCUMENTS THAT MAY BE RELEASED AFTER INDICTMENT, SUBJECT TO APPROPRIATE REDACTION.

(32) EVANS EXPLAINED THAT S.C. CODE ANN. § 14-7-1770 DOES NOT IMPOSE A PERPETUAL BAR TO DISCLOSURE OF IMPANELMENT DOCUMENTS. THE COURT HELD THAT, AFTER A TRUE BILLED INDICTMENT, SECRECY CONCERNS ARE REDUCED AS TO MATERIALS NECESSARY FOR A DEFENDANT TO DETERMINE WHETHER THE GRAND JURY WAS LEGALLY ESTABLISHED OR SUFFERED A MATERIAL IRREGULARITY. EVANS FURTHER RECOGNIZED THAT A DEFENDANT MAY MOVE TO "COMPEL PRODUCTION" (DEMONSTRATES THE POTENTIAL ABUSE OF DISCRETION OF THE COURT OF APPEALS DENYING THE REQUEST FOR PRODUCTION) IF THE STATE OBJECTS AND THAT THE STATE BEARS THE BURDEN OF EXPLAINING WHY DISCLOSURE SHOULD BE PROHIBITED OR DELAYED. THIS SUPPORTS ANOTHER SUPPOSED DUE PROCESS CLAIM WHERE THE STATE WAS REQUIRED TO RESPOND BUT FAILED TO DO ONCE THE MOTION WAS FILED BEFORE THIS COURT PRODUCING POTENTIAL FORFEITURE AND OR WAIVER IN THIS REGARD.

(33) EVANS ALSO EMPHASIZED THAT THE PURPOSE OF OBTAINING IMPANELMENT DOCUMENTS IS TO PERMIT A DEFENDANT TO DETERMINE WHETHER A TIMELY CHALLENGE TO THE LEGALITY OF THE GRAND JURY (WHICH UNDER CERTAIN CIRCUMSTANCES IS JURISDICTIONAL AND CANNOT BE WAIVED AND OR FORFEITED CAN BE RAISED AT ANY TIME EVEN AFTER JUDGMENT OF CONVICTION, SEE ARTICLE 1 § 11 S.C. CONST.) SHOULD BE MADE. THE COURT STATED THAT, AFTER OBTAINING THE INFORMATION, THE DEFENDANT BEARS THE BURDEN OF PROVING THE FACTS SUPPORTING THE CHALLENGE, BECAUSE REGULARITY OF GRAND-JURY PROCEEDINGS IS PRESUMED ABSENT CLEAR EVIDENCE OF THE CONTRARY.

(34) PETITIONER/APPELLANT RESPECTFULLY RECOGNIZES AN IMPORTANT DISTINCTION: EVANS DIRECTLY ADDRESSED THE IMPANELMENT DOCUMENTS OF A SOUTH CAROLINA "STATE" GRAND-JURY, NOT EVERY RECORD RELATED TO A "COUNTY" GRAND-JURY. THE PRESENT ISSUE

CONCERNS A KERSHAW COUNTY INDICTMENT. EVANS THEREFORE SHOULD NOT BE REPRESENTED AS AUTOMATICALLY CONTROLLING DISCLOSURE OF EVERY "COUNTY" GRAND-JURY PANEL RECORD. NEVERTHELESS, EVANS IS HIGHLY RELEVANT AUTHORITY FOR THE PRINCIPLE THAT POST-INDICTMENT SECRECY DOES NOT CATEGORICALLY PREVENT A DEFENDANT FROM OBTAINING RECORDS NECESSARY TO DETERMINE WHETHER THE GRAND JURY WAS LAWFULLY ESTABLISHED AND CONSTITUTED, IN LIGHT OF THE ISSUES THAT WERE INDISPUTABLY PLACED BEFORE THE LOWER COURT AND THIS COURT.

(35) FOR A COUNTY GRAND JURY, THE MORE DIRECTLY APPLICABLE AUTHORITY ARE THE COUNTY GRAND JURY STATUTES GOVERNING DRAWING, SUMMONING, QUALIFICATION, AND IMPANELMENT, INCLUDING S.C. CODE ANN. §§ 14-7-1510 THROUGH 14-7-1550 (2003), TOGETHER WITH THE STATUTES GOVERNING REGULAR AND SPECIAL TERMS OF GENERAL SESSIONS. TO THE EXTENT ANY REQUESTED IS SEALED OR DISCLOSURE IS DISPUTED, PETITIONER/APPELLANT REQUESTS THAT THE COURT CONSIDER AN IN CAMERA REVIEW OR OTHER PROCEDURE SUFFICIENT TO DETERMINE WHETHER THE RECORDS CAN BE DISCLOSED WITHOUT VIOLATING LEGITIMATE SECRECY INTERESTS.

VIII. THE MARCH 2004 RECORDS COULD DIRECTLY RESOLVE THE SPECIAL-SESSION CONTROVERSY:

(36) THE AVAILABLE STATUTORY SCHEDULE DOES NOT, BY ITSELF, ESTABLISH THAT A KERSHAW COUNTY COURT OF GENERAL SESSIONS GRAND JURY WAS AUTHORIZED TO CONVENE DURING THE FOURTH WEEK OF MARCH 2004. NOR DOES THE ABSENCE OF A PUBLICLY LOCATED ADMINISTRATIVE ORDER ESTABLISH THAT NO SUCH ORDER EXISTED. THE PRESENT RECORD THEREFORE SUPPORTS A REQUEST FOR TARGETED HISTORICAL DOCUMENTATION RATHER THAN A CONCLUSION BASED UPON SPECULATION.

(37) A PROPERLY AUTHENTICATED SPECIAL-SESSIONS ORDER DATED BEFORE OR DURING THE RELEVANT PERIOD COULD ESTABLISH THE LEGAL AUTHORIZATION FOR A MARCH GENERAL SESSIONS SESSION. THE ORDER SHOULD ALSO IDENTIFY THE TIME, DURATION, JUDGE, AND ANY NOTICE OR FILING REQUIREMENTS. THE CLERK'S DOCKET OR ORDER BOOK

SHOULD SHOW WHETHER SUCH AN ORDER WAS ENTERED AND FILED.

(38) CONVERSELY, IF NO SUCH ORDER EXISTS, AND THE GRAND-JURY SELECTION RECORDS SHOW THAT THE GRAND JURY WAS SUMMONED AND IMPANELED SPECIFICALLY FOR A MARCH SESSION OUTSIDE THE REGULAR STATUTORY TERM, THAT COMBINATION OF EVIDENCE COULD MATERIALLY STRENGTHEN THE ARGUMENT THAT THE LEGALITY OF THE PROCEEDING REQUIRES JUDICIAL EXAMINATION.

(39) THE GRAND JURY PANEL RECORDS CAN ALSO ANSWER A SEPARATE AND POTENTIALLY MORE IMPORTANT QUESTION: WHETHER THE PERSONS WHO ACTUALLY RETURNED THE INDICTMENT WERE DRAWN AND IMPANELED ACCORDING TO THE GOVERNING LAW, REGARDLESS OF WHETHER THE MARCH SESSION ITSELF WAS AUTHORIZED.

(40) ACCORDINGLY, OBTAINING THE PANEL AND IMPANELMENT DOCUMENTS WOULD NOT NECESSARILY "CLEAR UP" EVERY LEGAL CONTROVERSY BY ITSELF. IT COULD, HOWEVER, CONVERT A PRESENTLY UNCERTAIN HISTORICAL QUESTION INTO A DOCUMENTED FACTUAL RECORD SHOWING (a) THE AUTHORIZED COURT TERM OR SPECIAL-SESSIONS AUTHORITY, (b) THE DATE THE GRAND JURY VENIRE WAS DRAWN, (c) THE DATE AND MANNER OF SUMMONS, (d) THE QUALIFICATIONS AND EXCUSES/DISQUALIFICATIONS, (e) THE NAMES AND ORDER OF THE JURORS ACTUALLY SELECTED AND ALTERNATES, AND (f) THE DATE AND CIRCUMSTANCES OF IMPANELMENT AND SERVICE.

(41) THOSE RECORDS SHOULD BE REVIEWED TOGETHER RATHER THAN IN ISOLATION. A MARCH 2004 INDICTMENT, STANDING ALONE, DOES NOT PROVE AN UNAUTHORIZED SESSION; A COURT CALENDAR, STANDING ALONE, DOES NOT PROVE THAT NO SPECIAL ORDER EXISTED. THE LEGALLY SIGNIFICANT EVIDENCE IS THE COMPLETE CHAIN OF AUTHORIZATION, SELECTION, SUMMONS, QUALIFICATION, IMPANELMENT, AND RETURN OF THE INDICTMENT.

IX. THE REQUEST FOR HISTORICAL MATERIALS SHOULD BE INCLUDED OR PRESERVED FOR RULE 247 REVIEW:

(42) BECAUSE RULE 247(c) REQUIRES THE APPENDIX TO CONTAIN THE ENTIRE LOWER-COURT RECORD, PETITIONER/APPELLATE REQUESTS SUFFICIENT TIME TO DETERMINE WHETHER THE HISTORICAL GRAND-JURY MATERIALS WERE PREVIOUSLY REQUESTED, WHETHER THEY ARE PART OF THE LOWER-COURT RECORD, AND WHETHER ADDITIONAL RECORDS MUST BE OBTAINED THROUGH AN APPROPRIATE MOTION OR OTHER LAWFUL PROCEDURE EVEN IF THE LAW FIRM OF MS. ATTORNEY TANYA D. JEFFORDS & ASSOCIATES HAVE TO SEND THEIR HIRED INVESTIGATOR TO ACT IN ACHIEVING THIS END.

(43) THE REQUESTED EXTENSION WILL PERMIT SOUGHT COUNSEL IN THE FORM OF JEFFORDS & ASSOCIATES TO EVALUATE WHETHER THE MARCH 2004 ISSUE IS PROPERLY PRESENTED AS A RECORD-BASED CHALLENGE, A REQUEST FOR SUPPLEMENTATION, A MOTION CONCERNING OMITTED LOWER-COURT MATERIALS, OR A SEPARATE REQUEST FOR JUDICIAL REVIEW OF RECORDS NECESSARY TO RESOLVE THE RULE 247 PETITION.

(44) PETITIONER/APPELLANT FURTHER REQUEST PRESERVATION OF ANY EXISTING KERSHAW COUNTY CLERK OF COURT AND FIFTH JUDICIAL CIRCUIT RECORDS RELATING TO THE MARCH 2004 GENERAL SESSIONS TERM AND GRAND JURY, INCLUDING DOCKET ENTRIES, ORDERS, JURY-DRAWN RECORDS, VENIRE LISTS, WRITS OF VENIRE FACIAS, SERVICE RETURNS, QUALIFICATION RECORDS, EXCUSE/DISQUALIFICATION RECORDS, IMPANELMENT RECORDS, AND PANEL/ALTERNATE LISTS.

X. DISABILITY-RELATED ACCESS AND THE NEED FOR A MEANINGFUL OPPORTUNITY TO PREPARE THE APPENDIX:

(45) THE PETITIONER/APPELLANT SUFFERS FROM A LIFE LONG DISABILITY TO BOTH HIS HANDS CAUSE BY THE STATE ACTORS WHO ARE SUBJECT TO CURRENT FEDERAL LITIGATION SUBJECT TO AMENDMENT BEFORE THE RELEVANT FEDERAL COURT. HE IS UNDER STRICT DOCTOR'S ORDER TO LIMIT THE REPETITIVE MOVEMENTS WITH HIS HANDS WHICH INCLUDE TYPING WHICH IS WHY HIS PLEADING IS SUBMITTED IN ALL CAPS SUBJECTING HIM TO ADDITIONAL PAIN SWITCHING BACK AND FORTH TO

UPPER AND LOWER CASE LETTERS. THIS IS CLEARLY DOCUMENTED WITHIN HIS SCDC MEDICAL RECORD SINCE HIS UNCONSTITUTIONAL FRAMING AND CAPTIVITY. PRODUCING THIS LITIGATION PLACES THE APPELLANT IN UNNECESSARY PAIN FORCING HIM TO VIOLATE STRICT DOCTOR'S ORDERS. THE PETITIONER/APPELLANT AS A DISABLED PERSON IS SEEKING LEGAL COUNSEL AND MEANINGFUL ACCESS TO THE APPELLATE PROCESS. TO THE EXTENT DISABILITY-RELATED LIMITATIONS AFFECT HIS ABILITY TO REVIEW THE EXTENSIVE RECORD (DISABILITY TO BOTH HIS HANDS), PREPARE AN ACCURATE APPENDIX, COMMUNICATE WITH PROSPECTIVE COUNSEL, OR MEET TECHNICAL FILING REQUIREMENTS, HE RESPECTFULLY REQUESTS THAT THE COURT CONSIDER REASONABLE PROCEDURAL ACCOMMODATIONS AUTHORIZED BY APPLICABLE LAW AND COURT RULES.

(46) TITLE II OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C. §§ 12131-12132, PROHIBITS QUALIFIED INDIVIDUALS WITH DISABILITIES FROM BEING EXCLUDED FROM PARTICIPATION IN, DENIED THE BENEFITS OF, OR SUBJECTED TO DISCRIMINATION IN THE SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY BY REASON OF DISABILITY. SEE ALSO 28 C.F.R. §§ 35.130 AND 35.160.

(47) PETITIONER/APPELLANT DOES NOT ASSERT THAT THE ADA AUTOMATICALLY REQUIRES THE COURT TO GRANT EVERY REQUESTED EXTENSION. RATHER, HE ASKS THE COURT TO CONSIDER THE DISABILITY-RELATED CIRCUMSTANCES AS PART OF THE "GOOD CAUSE" ANALYSIS AND, WHERE NECESSARY, TO PROVIDE A REASONABLE ACCOMMODATION THAT PERMITS MEANINGFUL PARTICIPATION IN THE RULE 247 PROCESS COMPROMISING THE COURT'S RULES OR THE RIGHTS OF OTHER PARTIES. PRODUCING THIS LITIGATION PLACES THE APPELLANT IN UNNECESSARY PHYSICAL PAIN BY WAY OF HIS DISABILITY, LIFE LONG, TO BOTH HIS HANDS VIA IRREPARABLE NERVE DAMAGE.

(48) A LIMITED EXTENSION WHILE PETITIONER/APPELLANT SEEKS COUNSEL IN THE FORM OF JEFFORDS & ASSOCIATES IS PARTICULARLY APPROPRIATE WHERE THE REQUESTED COUNSEL WOULD ASSIST WITH BOTH THE APPELLATE APPENDIX AND THE EVALUATION OF THE HISTORICAL RECORDS THAT MAY BE MATERIAL TO THE DNA PROCEEDING. THE REQUESTED ACCOMMODATION IS THEREFORE NARROW,

CONCRETE, AND DIRECTLY CONNECTED TO MEANINGFUL ACCESS TO THE COURT.

XI. THE REQUESTED EXTENSION WILL NOT PREJUDICE RESPONDENTS:

(49) THE REQUESTED EXTENSION IS LIMITED, IS SOUGHT FOR A SPECIFIC AND LEGITIMATE PURPOSE, AND DOES NOT SEEK TO ALTER THE SUBSTANTIVE ISSUES PRESENTED FOR REVIEW.

(50) RESPONDENTS WILL RETAIN THE OPPORTUNITY TO RESPOND UNDER RULE 247(f), SCACR, AFTER SERVICE OF THE PETITION AND APPENDIX.

(51) A MODEST EXTENSION THEREFORE WILL NOT DEPRIVE RESPONDENT OF ANY SUBSTANTIVE RIGHT. IT WILL INSTEAD ALLOW THE COURT TO RECEIVE A MORE RELIABLE AND PROPERLY ORGANIZED APPELLATE RECORD.

XII. THE REQUESTED RELIEF IS CONSISTENT WITH MEANINGFUL APPELLATE REVIEW:

(52) THE PURPOSE OF RULE 247 REVIEW IS TO PERMIT THE APPELLATE COURT TO REVIEW THE LOWER-COURT'S DNA-TESTING DECISION ON THE RECORD PRESENTED UNDER THE GOVERNING RULES.

(53) BECAUSE RULE 247(e) REQUIRES REQUIRES THE ENTIRE LOWER-COURT RECORD, PREPARATION OF THE APPENDIX NECESSARILY REQUIRES SUBSTANTIAL ATTENTION TO COMPLETENESS, ORGANIZATION, AND ACCURACY.

(54) THE REQUESTED RELIEF WILL GIVE PETITIONER/APPELLANT A REASONABLE OPPORTUNITY TO DETERMINE WHETHER COUNSEL CAN ASSIST WITH THE APPENDIX AND PETITION AND TO DETERMINE WHETHER THE HISTORICAL GRAND-JURY RECORDS ARE NECESSARY TO A COMPLETE PRESENTATION OF THE ISSUES WITHOUT DISRUPTING THE COURT'S ORDERLY CONSIDERATION OF THE CASE.

(55) THE REQUESTED RELIEF IS NARROWLY TAILORED: AN INTERIM STAY OR HOLDING OF THE PRESENT APPENDIX DEADLINE WHILE THIS MOTION IS DECIDED, FOLLOWED BY AN ADDITIONAL THIRTY (30) DAYS FOR COMPLETION AND FILING.

XIII. REQUESTED RELIEF:

WHEREFORE, PETITIONER/APPELLANT RESPECTFULLY REQUEST THAT THIS COURT:

(A) GRANT THIS EMERGENCY MOTION PURSUANT TO RULE 240, SCACR;

(B) HOLD IN ABEYANCE OR STAY THE CURRENTLY APPLICABLE DEADLINE FOR SERVING AND FILING THE RULE 247 APPENDIX AND PETITION PENDING DISPOSITION OF THIS MOTION;

(C) AFTER DISPOSITION OF THIS MOTION, GRANT PETITIONER/APPELLANT AN ADDITIONAL THIRTY (30) DAYS TO OBTAIN, RETAIN, AND CONSULT WITH APPELLATE COUNSEL AND TO COMPLETE AND FILE THE APPENDIX AND PETITION REQUIRED BY RULE 247, SCACR;

(D) ALTERNATIVELY, GRANT SUCH OTHER REASONABLE EXTENSION OF TIME AS THE COURT DETERMINES APPROPRIATE;

(E) PERMIT PETITIONER/APPELLANT TO INVESTIGATE AND, WHERE PROCEDURALLY APPROPRIATE, OBTAIN AND SEEK PRODUCTION OF THE HISTORICAL KERSHAW COUNTY GRAND-JURY AUTHORIZATION AND PANEL/IMPANELMENT RECORDS NECESSARY TO DETERMINE WHETHER THE FOURTH WEEK OF MARCH 2004 PROCEEDING WAS AUTHORIZED AND WHETHER THE GRAND JURY WAS LAWFULLY CONSTITUTED;

(F) CONSIDER THE PRINCIPLES RECOGNIZED IN EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510 (S.C.App.2005), INCLUDING THE DISTINCTION BETWEEN GRAND-JURY SECRECY AND ACCESS TO POST-INDICTMENT IMPANELMENT MATERIALS, WHILE APPLYING THE

COUNTY-GRAND-JURY STATUTES DIRECTLY GOVERNING THE KERSHAW COUNTY PROCEEDINGS;

(G) CONSIDER PETITIONER/APPELLANT'S LIFE LONG DISABILITY TO HIS HANDS AND THE FORCING HIM TO COMPLETE THESE PROCEEDINGS VIOLATING STRICT DOCTOR'S ORDERS THAT PLACES HIM IN SUBSTANTIAL UNNECESSARY PAIN AND SUFFERING IN DOING SO, CIRCUMSTANCES THAT PROVIDE ANY REASONABLE PROCEDURAL ACCOMMODATION NECESSARY FOR MEANINGFUL PARTICIPATION IN THE RULE 247 PROCEEDING;

(H) PERMIT PETITIONER/APPELLANT TO NOTIFY THE COURT PROMPTLY IF COUNSEL IS RETAINED BEFORE THE EXTENDED DEADLINE AND TO FILE THE APPENDIX SOONER THAN PRACTICABLE; AND

(I) GRANT ANY AND ALL OTHER RELIEF THE COURT WOULD DEEM JUST, FAIR AND PROPER.

MEMORANDUM OF AUTHORITIES:

RULE 240, SCACR GOVERNS MOTIONS FILED IN APPELLATE COURTS, INCLUDING MOTIONS FOR EXTENSION OF TIME. RULE 240(b) FURTHER PROVIDES THAT FILING A MOTION DOES NOT AUTOMATICALLY AN APPELLATE DEADLINE; THEREFORE, AN EXPRESSED ORDER HOLDING THE DEADLINE IN ABEYANCE WHILE THIS MOTION IS PENDING IS REQUESTED.

RULE 247(c), SCACR, ESTABLISHES THE FILING PERIOD FOR THE PETITION AND APPENDIX IN DNA-TESTING REVIEW, AND RULE 247(c) REQUIRES THE APPENDIX TO CONTAIN THE ENTIRE LOWER-COURT RECORD, THE FINAL ORDER, AND AN INDEX.

S.C. CODE ANN. § 17-28-90(G) EXPRESSLY PROVIDES A RIGHT TO APPELLATE REVIEW OF A FINAL DNA-TESTING ORDERS BY WRIT OF CERTIORARI. SECTION 17-28-60 ADDRESSES APPOINTMENT OF COUNSEL FOR AN INDIGENT DNA-TESTING APPLICANT SUBJECT TO THE STATUTORY REQUIREMENTS.

IN MACK v. STATE, 432 S.C. 1, 849 S.E.2d. 303 (2021), THE
19-of-22

SOUTH CAROLINA SUPREME COURT HELD THAT ANDERS-TYPE PROTECTIONS APPLY TO THE DNA ACT TO SAFEGUARD AN APPLICANT'S STATUTORY RIGHT TO SEEK APPELLATE REVIEW AND RECOGNIZED A REMEDY FOR AN APPLICANT PREVENTED FROM OBTAINING REVIEW. THE PRESENT MOTION SEEKS THE NARROWER RELIEF OF A REASONABLE EXTENSION TO OBTAIN OR RETAIN COUNSEL AND PREPARE THE RULE 247 APPENDIX ACCURATELY.

THE MARCH 2004 ISSUE IS SUPPORTED BY THE STATUTORY STRUCTURE GOVERNING KERSHAW COUNTY GENERAL SESSIONS AND COUNTY GRAND-JURY SELECTION. SECTION 14-5-670(1) IDENTIFIES KERSHAW COUNTY'S REGULAR GENERAL SESSIONS TERMS AS THE THIRD MONDAY IN FEBRUARY, THE THIRD MONDAY IN MAY, AND THE FOURTH MONDAY IN OCTOBER. SECTION 14-5-910 AND 14-5-920 PROVIDE MECHANISMS FOR SPECIAL SESSIONS. SECTIONS 14-7-1520 THROUGH 14-7-1540 (2003) ADDRESS THE DRAWING, SUMMONING, QUALIFICATION, AND SELECTION OF COUNTY GRAND JURORS.

EVANS v. STATE, 363 S.C. 495, 611 S.E.2d. 510 (2005), IS DIRECTLY SIGNIFICANT BECAUSE THE SOUTH CAROLINA SUPREME COURT HELD THAT AN INDICTED DEFENDANT MAY OBTAIN STATE-GRAND-JURY IMPANELMENT DOCUMENTS, INCLUDING THE STATE'S PETITION, SUPPORTING MATERIALS, AND THE IMPANELING JUDGE'S ORDER, SUBJECT TO APPROPRIATE REDACTION AND SECRECY PROTECTIONS. EVANS ALSO EXPLAINS THAT THE PURPOSE OF DISCLOSURE IS TO ALLOW THE DEFENDANT TO DETERMINE WHETHER THE GRAND JURY WAS LEGALLY ESTABLISHED OR SUFFERED A MATERIAL IRREGULARITY. THE DECISION SHOULD BE CITED PRECISELY: ITS HOLDINGS CONCERN A "STATE" GRAND JURY. THE PRESENT KERSHAW COUNTY MATTER REQUIRES APPLICATION OF THE COUNTY-GRAND-JURY STATUTES, ALTHOUGH EVANS PROVIDES IMPORTANT GUIDANCE CONCERNING POST-INDICTMENT ACCESS TO IMPANELMENT MATERIALS.

THE REQUESTED RECORDS ARE THEREFORE RELEVANT NOT BECAUSE THEY AUTOMATICALLY ESTABLISH AN UNLAWFUL INDICTMENT, BUT BECAUSE THEY MAY ESTABLISH THE HISTORICAL FACTS NECESSARY TO DETERMINE WHETHER THE FOURTH WEEK OF MARCH 2004 PROCEEDING WAS AUTHORIZED AND WHETHER THE GRAND JURY THAT ALLEGEDLY RETURNED THE INDICTMENT

WAS LAWFULLY DRAWN, SUMMONED, QUALIFIED, AND IMPANELED.

THE REQUESTED EXTENSION IS LIMITED, SUPPORTED BY SPECIFIC CIRCUMSTANCES, AND SOUGHT TO PROMOTE ACCURATE COMPLIANCE WITH THE APPELLATE RULES RATHER THAN UNNECESSARY DELAY.

PROPOSED RECORD REQUEST/CHECKLIST FOR COUNSEL POTENTIALLY IN THE FORM JEFFORDS & ASSOCIATES:

THE FOLLOWING RECORDS SHOULD BE IDENTIFIED AND, WHERE LEGALLY OBTAINABLE, INCLUDED IN THE APPELLATE RECORD OR SEPARATELY REQUESTED: (1) THE SLED INVESTIGATIVE FILE FROM THE CRAWFORD 2 COUNTS OF CRIMINAL UNLAWFUL NEGLECT, FILE NO. 5501014 IN THE POSSESSION OF SLED 300 PAGES WITH DEATH CERTIFICATE, CORONERS NOTES, STATEMENTS ETC. NO REDACTIONS OR SUBSTITUTIONS; (2) ANY CHIEF JUSTICE ORDER SETTING A SPECIAL SESSION OF KERSHAW COUNTY GENERAL SESSIONS IN MARCH 2004; (3) ANY ORDER OF THE PRESIDING CIRCUIT JUDGE CALLING OR AUTHORIZING A SPECIAL SESSION; (4) THE PETITION OF THE SOLICITOR, IF § 14-5-910 WAS INVOKED; (5) THE CLERK'S DOCKET ENTRY AND FILING RECORD FOR ANY SUCH ORDER; (6) THE 2004 KERSHAW COUNTY GENERAL SESSIONS CALENDAR; (7) JURY-COMMISSIONER DRAWING RECORDS FOR THE 2004 GRAND JURY; (8) THE GRAND JURY VENIRE; (9) WRITS OF VENIRE FACIAS; (10) RETURNS/PROOF OF SERVICE; (11) JUROR QUALIFICATION RECORDS; (12) LISTS OF EXCUSED, DISQUALIFIED, OR UNSERVED JURORS AND STATED REASONS; (13) THE RECORD OF THE RANDOM DRAWING OF THE 12 GRAND JURORS AND ALTERNATES; (14) THE FINAL GRAND-JURY PANEL AND ALTERNATE LIST; (15) THE IMPANELMENT/ATTENDANCE RECORD; (16) THE FOREMAN DESIGNATION; (17) THE DATE THE GRAND JURY FIRST CONVENED; (18) THE DATE THE INDICTMENT IN CASE 2004-GS-28-0385 WAS PRESENTED AND RETURNED; (19) ANY RECORD IDENTIFYING THE TERM OR SESSION TO WHICH THAT INDICTMENT WAS RETURNED; AND (20) AN ACTUAL COPY OF THE TRUE BILLED INDICTMENT THAT IS 2004-GS-28-0385.

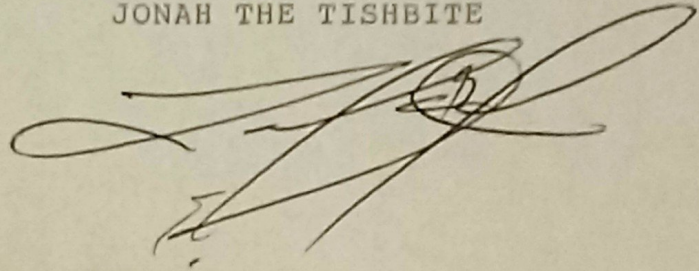
I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY DECLARE AND AFFIRM UNDER PENALTY OF PERJURY

THAT THE FOREGOING IS TRUE AND CORRECT AND THE APPELLANT HAVING
PERSONAL KNOWLEDGE OF THE FACTS PRESENTED IN COMPETENT TO TESTIFY
AS TO THE VERITY OF THE CLAIMS THUS PRESENTED.

RESPECTFULLY,

LAWRENCE L. CRAWFORD AKA

JONAH THE TISHBITE



OCTOBER 4, 2026

SWORN AND OR AFFIRMED BEFORE ME THIS 5th DAY OF

October 2026

Sandra Outlan

NOTARY PUBLIC

MY COMMISSION EXPIRES 2/28/34



IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 05 2026

SC Court of Appeals

CASE DOCKET NO. 2025-001856

APPEAL FROM KERSHAW COUNTY
THE COURT OF GENERAL SESSIONS

CASE NO. 2004-GS-28-0385

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE,

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT(S)

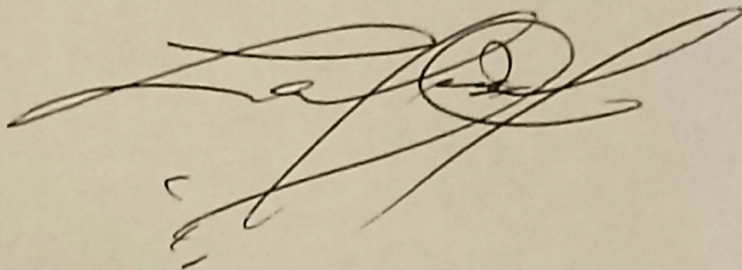
AFFIDAVIT OF SERVICE

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITIONER/APPELLANT'S EMERGENCY MOTION TO STAY THE APPENDIX DEADLINE AND FOR EXTENSION OF TIME TO FILE RULE 247 APPENDIX PENDING RETENTION AND OR APPOINTMENT OF LEGAL COUNSEL AND MOTION

TO MOTION THEREFORE, 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. 29221, MS. ATTORNEY TANYA D. JEFFORDS &
ASSOCIATES, PC, 1431 RICHLAND AVENUE WEST, AIKEN, S.C. 29801, BY
PDF AND OR U.S. MAIL POSTAGE PREPAID BY PLACING IT WITH THE
INSTITUTION AUTHORITIES ON OCTOBER 5, 2026. IT IS DEEMED FILED ON
THAT DATE BY ELECTRONIC FILING.

RESPECTFULLY,

JONAH THE TISHBITE

A handwritten signature in black ink, appearing to read 'Jonah The Tishbite', with a large, stylized circular flourish at the end.

OCTOBER 5, 2026.

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE
#300839 F3B. RM. 148
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

IN RE: CASE 2025-001856 GIVING THE COURT NOTICE OF THE INTENT TO
OBTAIN AND OR RETAIN LEGAL COUNSEL.

RECEIVED

Oct 05 2026

SC Court of Appeals

TO: THE S.C. COURT OF APPEALS,

ATTACHED IS A COPY OF A PLEADING SEEKING EMERGENCY
STAY AND OR EXTENSION OF TIME TO OBTAIN AND OR RETAIN THE
ASSISTANCE OF COUNSEL. PLEASE FILED WITHIN THE ABOVE CAPTIONED
CASE AND FORWARD FOR ADJUDICATION. I THANK YOU IN ADVANCE. STILL
REMAIN,

RESPECTFULLY,
JONAH THE TISHBITE

OCTOBER 5, 2026

CC: THE S.C. ATTORNEY GENERAL
MS. ATTORNEY TANYA D. JEFFORDS & ASSOCIATES