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OCT 07 2026

S.C. SUPREME COURT

In The South Carolina Supreme Court

Appeal From Lexington County

The Honorable Circuit Judge Frank Add, Jr.

Case No. 2026 CP 32-03210

Hayward L. Rogers,

Appellate,

v.

State of South Carolina

Respondent.

Petition For Writ of Certiorari
To The Supreme Court

September 25, 2026. Hayward L. Rogers

1. Issues Presented

Did the Court err In Denying appellate's Post-Conviction Relief Application For After/ Newly Discovered Evidence, where Solicitor Impaneled its Grand Jury outside Color of Law, pursuant to S.C. Code Ann. 14-5-760(2)?

Argument 1

1. The applicant Was Restricted From Filing The above Post-Conviction Relief Application because he was unable to pay the Filing fee. The Court err because a Court cannot plainly deny a person, or prisoner access to the Court. Code 24-27-100. pursuant to Code 24-27-100, unless another provision of Law permits the Filings of Civil actions without the payment of Filing fees by indigent persons, if a prisoner Brings a Civil action or proceeding, The Court upon the Filing of the action, Shall order the prisoner to pay as a partial payment of any Filing fees Required by Law a First time payment of twenty percent of the preceding six month Income From the prisoner's trust fund account. administered by the South Carolina Department of Corrections and thereafter monthly payments of ten percent of the preceding months income For this account. The Department Shall withdraw the monies maintained in the prisoner's trust account of Filing fees and Shall Forward quarterly the monies Collected to the appropriate Court Clerk, or Clerks until the Filing fees are paid in Full. also, inmates Seeking post-Conviction Relief is Not Required to pay Filing Fee, or file Certified Copy of his trust Fund account Showing Balance to institute action For post-Conviction Relief, Regardless of inmates Financial Status. Thompson v. State, 325 S.C. 58 (S.C. 1997), also Martin v. South Carolina Dept. of Corrections.

2.

350 S.C. 196 (S.C. 200), motion for writ of certiorari.

Argument 2

2. The appellate objects to the Court alleging that his post-conviction application is frivolous and not proper for the Court to consider: ?

The Court erred in stating that appellate's argument that the Solicitor Impanelled its Grand Jury outside the Color of Law, because the S.C. Supreme Court ~~the~~ Chief Justice may Cancel Statutory terms of Court. It is also true the Chief Justice may Cancel ~~or add~~ or add additional terms of Court because the Chief Justice has the authority to do so, but the Solicitor does not have the authority to impanel the Grand Jury outside to statute without approval and without an order from the Chief Justice, and the Chief Justice did not issue a Special order for a special ~~term~~ term of Court for February, 1999 for Lexington County.

The Solicitor did operate outside the Color of Law by failing to comply with Rule 77(e), S.C.R.C.P.

However, to the extent Section (e), Cancelling or ordering term of Court, no term of Court shall be Cancel, or additional term schedule without prior approval of the Chief Justice. When the Solicitor Requests that a week of General Sessions Court be not held, the Clerk of Court shall immediately notify the Court Administration of this State, (in which the Lexington County Clerk: Thomas ~~Cam~~ Comerford failed to do). as mentioned above, one additional piece of evidence very clearly settles the matter of Solicitor's false evidence contained in exhibit A (Indictments). moreover, the Court has no evidence for its allegations, and no Records of a special term order signed by

the Chief Justice, and no such Records From The South Carolina Court Administration. The Courts order denying the applicant's Post-Conviction Relief Application is Frivolous, because at first the Court should had Follow the Laws enacted by the General Assembly and the South Carolina Legislature pursuant Code 24-27-100; therefore, the Court erred in denying the appellant post-Conviction application. Both appellant Civil Cases, including his summons and Complaint should be Reversed and Remand For a Full hearing.

Article 12 and Section 2 Utilizes the word "shall" is mandatory; Nowhere in S.C. Code Ann. 14-5-760(2), Does the S.C. Legislature enacted a provision in The statute For a term of Court For the month of "February". As mention above, the South Carolina General Assembly did not enacted a provision in S.C. Code Ann. 14-5-760(2), For a term of Court For the month of February. The Court is with proof that such order exist, but appellate has such proof that Chief Justice Jean Toad did not issue such a order For a Term of Court For the month of "February". therefore, a hearing is needed to hear the Facts in this matter.

Conclusion

Based upon The True-Facts and supporting Laws the Petitioner is entitle to Issue of the Writ.

9-25-2026

Wayland L. Rogers

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Hayward L. Rogers, SCDC #278510

Plaintiff,

vs.

State of South Carolina,

Defendant.

FILED

IN THE COURT OF COMMON PLEAS

2026 SEP 15 PM 1:52

Case No.: 2026CP3203210

LISA COMER
CLERK OF COURT
LEXINGTON, SC

ORDER DENYING PCR
APPLICATION

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OCT 07 2026

S.C. SUPREME COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Hayward L. Rogers (Applicant) on July 23, 2026.

Applicant previously filed a PCR application that was disposed of via an order issued by Judge McLeod on January 14, 2020. That order restricted Applicant from future filings unless three things occurred: (1) Applicant paid the filing fee; (2) Applicant filed an affidavit stating his good faith belief that the allegations are not frivolous; and (3) the Court concluded that the new allegations are not frivolous and are proper for the Court to consider.

Applicant has filed the above-mentioned affidavit in the above captioned case. However, he has not paid the filing fee, and the Court deems the filings frivolous and not proper for the Court to consider. Applicant's argument that the Grand Jury was empaneled in violation of SC Code § 14-5-760(2) is frivolous because the Chief Justice of the South Carolina Supreme Court may cancel statutory terms of court and order other terms to be held pursuant to his authority under the South Carolina Constitution. Accordingly, the February, 1999 Term of Court in which Mr. Rogers was indicted was properly held. *See* S.C. Const. art. V, § 4.

MA

The Court also notes that another filing dated August 12, 2026 was received by the Lexington Clerk of Court in which Mr. Rogers seeks to sue the Solicitor for \$250,000. The grounds in that action are the same as in this PCR, namely, that the Solicitor improperly impaneled the Lexington Grand Jury in violation of the law, that the Solicitor sought to frame Mr. Rogers, and that he engaged in a conspiracy to imprison Mr. Rogers. No filing fee has been paid with the August 12th filing, and the Court finds those grounds are wholly without legal or evidentiary support. The filing dated August 12, 2026 is similarly ordered dismissed, and those pleadings shall be returned to Mr. Rogers.

WHEREFORE, the Court finds that Mr. Rogers' successive PCR application and his August 12, 2026 filings are frivolous, wholly lacking in merit, and shall be dismissed without further hearing.

IT IS SO ORDERED.


FRANK R. ADDY, JR.
Chief Administrative Judge
Eleventh Judicial Circuit

September 8, 2026
Greenwood, South Carolina

LISA COMER
CLERK OF COURT
LEXINGTON SC

2026 SEP 15 PM 1:52

FILED

COUNTY OF Lexington
Hayward L. Rogers, 278516
Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2026-CP-32-03210

vs.

South Carolina
Defendant(s)

Submitted By: Hayward L. Rogers
Address: 3000 Baker St.
1466 Broad River Road
Columbia, S.C. 29210

SC Bar #: Pro Se
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Branch of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
☐ Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____

Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____

Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lia Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Incapacitated Adult
Settlement (790)
☐ Other (799) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____

Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (310)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of-State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |
- Submitting Party Signature: Hayward L. Rogers Date: July 20th 2026

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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Lex. Co. C.C.C.P., G.S. & E.C.

STATE OF SOUTH CAROLINA

FILED

County of Lexington

IN THE COURT OF COMMON PLEAS

Howard L. Rogers #278510

Full name and prison number (if any) of Applicant

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

2026CP3203210

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Inst.
Columbia, South Carolina
2. Name and location of Court which imposed sentence Lexington County
Court of General Sessions
3. Name(s) of co-defendant(s) (if any) N/A - none
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 1999-GS-32, 813, 815, 814, 819
(b) _____

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L. J. ROGERS, JR. CLERK OF COURT

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Sept. 21, 2001 - Kidnapping - Strong Arm Robbery
- (b) Assault and Battery with intent to kill -
- (c) S.C. 1st - Life without Parole
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) ☒ after a plea of not guilty ☒
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Court of Appeals
- ii. S.C. Supreme Court
- iii. U.S. District Court - South Carolina
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. Denied
- iii. Denied
- (c) the date of each such result:
- i. N/A
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. State v. Rogers, 361 S.C. 178, 603 S.E.2d 910
- ii. (1st App. 2004)
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A.
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) After newly Discovered evidence - Malicious Prosecution
- (b) malicious prosecution
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Solicitor Impanel its Grand Jury outside the Color of the Law.
- (b) Solicitor strike members of my Race from the duty venire.
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? yes.
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes.
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no.
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. South Carolina Court of Appeals
- ii. Past Conviction Relief Application
- iii. Federal Habeas Corpus
- iv. South Carolina Supreme Court
- (b) the name and location of the Court in which each was filed:
- i. South Carolina Court of Appeals
- ii. Lexington County Court of Common Pleas
- iii. S.C. Supreme Court - P.L.R. Appeal.
- iv. _____

(c) the disposition thereof:

- i. Denied
- ii. Denied
- iii. Denied
- iv. Denied

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) malicious Prosecution
- (b) malicious Prosecution
- (c) After/newly Discovered evidence.

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? Williamy. Rast
- (c) your sentencing? William y. Rast
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Wanda H. Haile
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No.

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. William y. Rast.
- ii. Wanda H. Haile
- iii. Tara Dawn Shurling

(b) the proceedings at which each such attorney represented you:

- i. Trial
- ii. Appeal
- iii. P.C.R. /and P.C.R. Appeal.

19. State clearly the relief you seek in filing this application:

Vacate the Conviction and Sentence
Reverse and Remand / or new Sentencing

20. Are you now under sentence from any other court that you have not challenged?

No.

STATE OF SOUTH CAROLINA)

County of Lexington)

VERIFICATION

I, Hayward L. Rogers, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Hayward Rogers

SWORN to and subscribed before me this 20
day of July, 2006

Fuchelburg (L.S.)
Notary Public

My Commission Expires: 8/31/2006

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Hayward L. Rogers, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

- ☒ I am the applicant in this action and I believe I am entitled to redress.
- ☒ Because of my poverty I am unable to pay the costs of said proceeding or give
security thereof.

Hayward L. Rogers
Applicant

SWORN or affirmed to and subscribed before me this
20 day of July, 2006
Fuchelbers
Notary Public

My Commission Expires: 8/30/2006

A TRUE COPY

John J. Conner Revised 3/2003
Lex. Co. C.C.C.P., G.S. & F.C.

1. State of South Carolina
County of Lexington,

Court of Common Pleas
Case No.

Hayward L. Rogers, 278510,
Applicant

Memorandum of Law
In Support of Motion For
After/Newly Discovered
Evidence of Post Conviction
Relief Application

V.

State of South Carolina,
Respondent.

This matter comes before the Court by way of the Applicant's memorandum of law in support on After/Newly Discovered evidence of post conviction Relief pursuant to Rule 60(b)(3), S.C.R.C.P., and South Carolina Code Ann. 17-27-20, Section (1) and (2). The Applicant moves the Court to consider the factual allegations on the following grounds:

Ground (A): The Lexington County Solicitor "manifested a totally disregard of the Law" by unlawfully impaneling its Grand Jury outside the color of the law as set forth in S.C. Code Ann. 14-5-760 (2).

Supporting Facts and Arguments

Applicant argues that the Solicitor "manifested a totally disregard of the Law" by unlawfully impaneling its Grand Jury outside the color of the law as set forth in S.C. Code Ann. 14-5-760 (2).

2.

"As the Court of General Sessions, Convened in February, 1999 The Grand Jurors of Lexington County present upon their oath:

as presented above, there is a very peculiar difference between the indictment and the statute of S.C. Code Ann. 14-5-760(2). the statute is Definitely Without a provision for the above mention "term of Court". The Solicitor Manifested a totally disregard of the Law" by violating the Constitutional obligation Contained Within the statutory Law provides 'only' For the following term of Court For Lexington County "shall be held at Lexington on the third Monday in January, The Fourth Monday in May, and the Tuesday Following the First Monday in September. 'each' term of Court For General Sessions shall be For two Weeks. as established above The "mandatory Language" of the Statute is the Word "shall" utilized in S.C. Code Ann. 14-5-760(2), which Creates a Liberty interest.

However, to the extent in order to understand the meaning of the Statute or phrase or Law, it is necessary to ~~determine~~ determine the meaning of the Language as it is used in the particular Context, Robinson v. Shell Oil Company, 117 S.Ct. 843 (1997), Article 12 Section 2, utilizes the Word "shall" is mandatory. Nowhere in S.C. Code Ann. 14-5-760(2), does the South Carolina Legislature reads a provision in statute For a term of Court For the month of "February". As discussed above, there

3.

February to apply, it could have included such language. However, to the effect if the Legislature intended the statute to apply to certain proceedings it could have done so by ~~including~~ including such language. Applicant, being within the framework established by the Supreme Court in *Ex Parte Lilly*, 7 S.C. 1876 WL 5977 and *State v. Henderson*, 136 S.C. 363 (1926). As such ~~analysis~~ ^{which} Analysis (Term of Court) very similar to the one involved here. This matter presented above for review is not a challenge to the Court's general grant of authority to hear and determined cases, that ~~an~~ authority is rightfully granted by the South Carolina Constitution; *State v. Gentry*, 610 S.E. 2d 494 (2005), and *Gentry* will not be the issue here.

Ground: (B) ^{1st} The Solicitor failed to follow procedures set in Rule 77(e), S.C.R.C.P. ?

Supporting Facts AND Arguments

The Applicant Argues that the Solicitor operated outside the color of the law, by failure to comply with Rule 77(e), S.C.R.C.P. However, to the extent Section (e). Cancelling or ordering term of Court. n. a term of Court shall be cancelled, or additional term scheduled without prior approval of the Chief Justice. When the Solicitor Request that a week of Common Pleas be not held, or the Solicitor Requests that a week of General sessions Court not be held. The Mark Shall

4.

establishes that no special term of the Court of General Sessions was convened in February, 1999, under the provisions of S.C. Code Ann. 14-5-760(2) section 14-5-710, or section 14-5-720. As established above, the Solicitor violated the Administration of Justice, By Wrongfully impaneling its Grand Jury outside the Color of the Law Set Forth in S.C. Code Ann. 14-5-760(2), S.C. Constitution Article V.

The statutory terms above are clearly unambiguous, and require the County Solicitor to prepare and submit Bills of indictment through presiding Judge of the Court of General Sessions for a Grand Jury impaneled under The authority of the Court of general sessions, "no exceptions."

Ground (c), The solicitor duty and acts, is prejudicial To The Administration of Justice.

Supporting Facts AND Arguments

The Applicant in this motion of after/newly Discovered evidence before the Court contends, that it is well established that the solicitor's actions is prejudicial to the administration of Justice. the solicitor unlawfully impaneled its Grand Jury outside the statute S.C. Code Ann. 14-5-760(2). The solicitor in this case did commit prosecutorial misconduct, malicious prosecution, and acts that is prejudicial to the administration of Justice.

5.

pursuant to Hayden v. State, 278 S.C. 616 (1983).
However, due to the extent of the Solicitor's failure to
comply with procedural requirement of the statute
constitutes a denial of due process and fundamental
fairness, which resulted in a complete manifested
disregard of the law, by the Solicitor impaneling its
Grand Jury outside the jurisdiction of the Court of
General Sessions, consequently, this unlawful
method of practice invalidates all judicial proceedings
in the case, Holley v. Dorsey, 973 F.2d 272 (4th Cir. 1992).
These Courts arguments and statutory laws, has left
no room for doubt as to the law this Circuit concerns
the requirement of a correct indictment, to the exact
determination of the Legislature intent is a matter
of law.

Conclusion

Based on the foregoing reason, the Applicant
respectfully request that this Court grant the
Memorandum of Law in support of Motion for After/
Newly Discovered Evidence of Post-Conviction
Relief, pursuant to Jilly v. State, 511 S.E.2d 689 (S.C. 1993), as a matter of law.

A TRUE COPY

[Signature]
Lex. Cl. C. C. P., C. S. & EC.

Respectfully Submitted

July 25, 2026

Stanward L. Rogers

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

Hayward L. Rogers, 278510

Applicant,

vs.

State of South Carolina,

Respondent,

FILED

IN THE COURT OF COMMON PLEAS

Case no.

1999LS37813815819

2026 AUG 76 AM 8:46

2026-CP-32-03210

MEMORANDUM OF LAW

IN SUPPORT OF MOTION FOR

AFTER/NEWLY DISCOVERED

EVIDENCE OF POST CONVICTION

RELIEF APPLICATION

LISA DOMER
CLERK OF COURT
LEXINGTON

This matter comes before the court by way of the Applicant's memorandum of law in support of after/newly discovered evidence of post-conviction relief pursuant to Rule 60 (b)(3), S.C.R.C.P., AND South Carolina Code Ann. §17-27-20, section (1) and (2). The applicant moves the court to consider the factual allegations on the following grounds:

GROUND A: The lexington County Solicitor "manifested a totally disregard of the law" by unlawfully impaneling its Grand Jury outside color of the law as set forth in S.C. Code Ann. § 14-5-760 (2).

Supporting facts and argument

Applicant argues that the solicitor "manifested a totally disregard of the law" by unlawfully impaneling its grand jury outside color of the law, as set forth in S.C. Code Ann. §14-5-760 (2)

As mention above, the South Carolina General Assembly did not enacted a provisions in S.C. Code Ann. § 14-5-760 (2). for a term of court for the "month of February."

In the case at hand the indictment reads as follows:

"As the court of general sessions, convened in February, 1999 the Grand Jurors of Lexington county present upon their oath: as presented above, there is a very peculiar difference between the indictment and the statute of S.C. Code Ann. 14-5-760(2). The statute is definitely without a provision for the above mention "term of Court," The Solicitor manifested a totally disregard of the law" by violating the Constitutional obligation contained within the statutory law provides 'only' for the following term of court for lexington county "shall be held at lexington on the third Monday in January, the fourth monday in May, and the Tuesday folloing the first monday in September. "each" term of court for General Sessions shall be for two weeks. as established above the "Mandatory Language" of the statute is the word "Shall" utilized in S.C. Code Ann. §14-5-760(2), which creates a liberty interest.

However, to the extent in order to understand the meaning of the statute or phrase of law, it is necessary to determine the meaning of the language as it is used in the particular context, Robinson v. Shell Oil Company, 117 S.Ct. 843 (1997), Article 12 section 2 utilizes the word "Shall" is mandatory. Nowhere in S.C. Code ANN. §14-5-760(2), does the South Carolina Legislature enact read a provision in the statute for a term of Court for the month of "February."

As discussed above, there is simply no language in the statute set forth in S.C. Code Ann. §14-5-760(2), which implies it excludes a "term of court for the month of February" to the extent if the

Legislature had intended the "term of Court" for the month of February to apply, it could have included such language. However, to the effect if the legislature intended ^{the} statute ^p apply to certain proceedings it could have done so by including such language. Applicant being ^{within} with the framework established by the Supreme court in Ex Parte Lilly, 7 S.C. 1876 W.L. 5977 and State v. Henderson, 136 S.C. 363 (1924). As such which analysis (term of court) very ^{similar} similar to the one involved here. This matter presented above for review is not a challenge to the court's general grant of authority to hear and detemined cases, That authority is rightfully granted by The South Carolina Constitution; State v. Gentry, 610 S.E.2d 494 (2005), and Gentry will not be the issue here.

GROUND: B Did the Solicitor failed to follow procedure setforth in Rule 77(e), S.C.R.C.P.?

Supporting facts and argument

^{or 302's}
The Applicant argueae that the Solicitor operated outside color of law, by failure to comply with Rule 77(e), S.C.R.C.P. However, to the extent section (e). cancelling or ordering term of court. No term of Court shall be cancelled, or additional term scheduled without prior approval of the Chief Justice. WHEN THE Solicitor Request that a week of Common Pleas court be not held, or the Solicitor requests that a week of General Sessions ^{Court} could not be held, The Clerk shall immediately notify the Court administration of theis state. As mention above, one additional piece of evidence very clearly settles the matter of Solicitor's

Indictment
7

false evidence contained in exhibit A, also establishes that no special term of the Court of General Sessions was convened in February, 1999, under the provisions of S.C. Code Ann. 14-5-760(2) Section § 14-5-710, or section § 14-5-720. As established above, the Solicitor violated the administration of Justice, by wrongfully impaneling its Grand Jury outside the color of the law set forth in S.C. Code Ann. 14-5-760(2) S.C. Constitution Article V.

The statutory terms above are clearly unambiguous, and require the county Solicitor to prepare and submit Bills of indictment through presiding judge of the court of General Sessions for a grand jury impaneled under the authority of the court of general sessions, "no exceptions".

GROUND C The Solicitor duty and acts, is prejudicial to the administration of justice.

Supporting facts and argument

The Applicant in this motion of after/newly discovered evidence before the court contends, That it is well established that the Solicitor's actions is prejudicial to the administration of justice. The Solicitor unlawfully impaneled its Grand Jury outside the statute, S.C. Code Ann. 14-5-760(2). The Solicitor in this case did commit prosecutorial misconduct, malicious prosecution, and acts that is prejudicial to the administration of justice. Here, Administration of justice Means preformance

of acts or duties recorded by law in discharge ~~of~~ duty.

Additionally, there is no time limitation within, which such motion for newly discovered evidence. pursuant to Hayden v. State, 278 SC 610 (1983). However, due to the extent of the solicitor's failure to comply with procedural requirement of the statute constitute denial of due process and fundamental fairness which resulted in a complete manifested disregard of the law, by the Solicitor impaneling its Grand Jury outside the jurisdiction of the Court of General Sessions, consequently, this unlawful method of practice invalidates all judicial proceedings in the case, Halley v. Dorsey, 973 F.2d 272 (4th Cir. 1992), These courts arguments and statutory laws, has left no room for doubt as to the law this circuit concerns the requirement of a correct indictment, to the exact determination of the legislature intent in a matter of law.

CONCLUSION

Based on the foregoing reason, the Applicant respectfully request that the Court grant the MEMORADUM OF LAW IN SUPPORT OF MOTION FOR AFTER/NEWLY DISCOVERED EVIDENCE OF POST-COVICTION RELIEF, pursuant to Tilly v. State, 511 S.E.2d 689 (S.C. 1993), as a matter of law

334 S.C. 24-1991

Respectfully Submitted

Maynard L. Rogers

Date:

July 20. 2026

SECTION 14-5-760. Terms of court in eleventh circuit.

The courts of the eleventh judicial circuit shall be held as hereinafter provided.

(2) Lexington County. - The court of general sessions for Lexington County shall be held at Lexington on the third Monday in January, the fourth Monday in May, and the Tuesday following the first Monday in September. Each term of the court of general sessions shall be for two weeks. The court of common pleas shall be held at Lexington on the first Monday in April, the third Monday in September and the fourth Monday in November. Each of the terms of the court of common pleas shall be for three weeks, except the term beginning the first Monday in April, which shall be for four weeks.

make 1 copy for [REDACTED]

A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

WCPD

Amodio

ARREST WARRANT NUMBER

F-607505

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date

2/22/99

VERDICT

GUILTY

Foreperson of Petit Jury

Date: 9/21/01

DOCKET NO. 99-GS-32-

814

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1999

THE STATE

vs.

HEYWARD LEON ROGERS

CDR# 137

Indictment for

Strong Armed Robbery
Common Law & §16-11-325

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Cb. C.C.C.P., G.S. & F.C.

WITNESSES

WCPD

Amodio

ARREST WARRANT NUMBER

F-607509

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

2/22/99

VERDICT

GUILTY

Foreperson of Petit Jury

Date: 9/21/01

DOCKET NO. 99-GS-32-

818

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1999

THE STATE

vs.

HEYWARD LEON ROGERS

CDR# 160

Indictment for

CRIMINAL SEXUAL CONDUCT FIRST
DEGREE
§16-3-652

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Ct. C.C.C.P., G.S. & F.C.

Hayward L. Rogers #278510.
Broad River L.I.
4460 Broad River Road
Columbia, South Carolina 29210

August 17, 2026.

RE: Summons/Complaint (2 sets).

Dear Honorable Madam Clerk;
enclosed, you will find two (2) sets of summons
and Complaint; please stamp, mark and file, and
please return a filed copy to me so that I can
serve the defendant; the plaintiff also requests
that the Honorable Clerk serve defendant. Once
plaintiff receives returned filed copy, he will then
amend Discovery exhibits to the case. Thank
you.

Sincerely,

Hayward L. Rogers

Hayward L. Rogers, 298516
Broad River C.I.
4460 Broad River Road
Columbia, S.C. 29210

September 3, 2026

Re: Summons/Complaint:

Dear N. Fox;
on August 20th, 2026, I submitted 2 Summons
and Complaint to your office to be Stamp-Clock-
Filed, and a Copy Returned to me to serve
Defendants in this case. I did not receive a return
Filed Copy, could you please explain why??
Thank you.

Sincerely,

Hayward L. Rogers

* awaiting your response.

STATE OF SOUTH CAROLINA

COUNTY OF LexingtonHoward L. Rogers, 278516
Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

____-CP-____-____

vs.
Lexington County Solicitor,
Lexington County
Defendant(s)Submitted By: Howard L. Rogers,
Address: 4460 Broad River Road
Columbia, S.C. 29210SC Bar #: Pro Se

Telephone #: _____

Fax #: _____

Other: _____

E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
- ☒ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330) ✓
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) _____ ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | | | |

Submitting Party Signature:

Howard L. RogersDate: 8-17-2026

STATE OF SOUTH CAROLINA,

COUNTY OF Lexington

Hayward L. Rogers,
Plaintiff,

vs.

Lexington County Solicitor,
Lexington County Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. _____-CP-_____-_____

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Lexington, South Carolina

Dated: August 17, 2026

Hayward L. Rogers
Plaintiff/Attorney for Plaintiff

Address: 4460 Broad River Road
Columbia, S.C. 29216

Lexington County Solicitor's Office ✓
205 East Main Street
Lexington, S.C. 29072

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

IN THE COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT

Case No. _____

Hayward L. Rogers, 278510.
Plaintiff,

Vs. Lexington Court Solicitor,
Lexington County,
the State of South Carolina,
Defendant,

MOTION FOR, AND
AFFIDAVIT FOR
APPOINTMENT OF ATTORNEY

Pursuant South Carolina Code § 17-27-60, I understand that I have the right to have an attorney to represent me for the above titled Post-Conviction Relief matter, and if I am not financially able to employ an attorney, one will BE appointed to me.

A F F I D A V I T

I understand that I have the right to have an Attorney to represent me. I am not financially able to employ an Attorney for myself. I request that the Court appoint an Attorney to represent me

Hayward L. Rogers
Signature of Plaintiff,

SWORN TO AND SUBSCRIBED BEFORE ME

this 17 day of August, 2026

Jara E. LeBeau
Notary Public for South Carolina

My Commission expires: 8/30/2026

STATE OF SOUTH CAROLINA

COUNTY OF _____

Hayward L. ROGERS, 278510
Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

_____-CP - ____-____

Lexington County vs.
Lexington County
Defendant(s)Submitted By: Hayward L. ROGERS
Address: 4460 Broad River Road
Columbia, S.C. 29210

SC Bar #: Pro Se

Telephone #: _____

Fax #: _____

Other: _____

E-mail: _____

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☐ Debt Collection (110)
☐ General (130)
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☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
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20____-NI-_____
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☐ Conversion (310)
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☐ Personal Injury (350)
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☐ Assault/Battery (370)
☐ Slander/Libel (380)
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☐ Partition (440)
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☐ Building Code Violation (460)
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☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
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☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | | |

Submitting Party Signature:

Hayward L. Rogers

Date: 8-17-2026

STATE OF SOUTH CAROLINA,

COUNTY OF Lexington

Hayward L. Rogers,
Plaintiff,

vs.

Lexington County Solicitor
Lexington County Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. _____-CP-_____-_____

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Lexington, _____, South Carolina

Dated: August 17, 2026

Hayward L. Rogers
Plaintiff/Attorney for Plaintiff

Address:

4460 Broad River Road
Columbia, S.C. 29210

Lexington County Solicitor's office ✓
205 East main Street
Lexington, S.C. 29072

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

IN THE COURT OF COMMON PLEAS

FOR THE 11th JUDICIAL CIRCUIT

Case no. _____

Howard L. Rogers 278510.
Plaintiff(s),

vs.
Lexington County Solicitor
Lexington County
Defendant(s).

COMPLAINT

The plaintiff Pro se, enter this Court of Common Pleas To Proceed with this Civil Action for violations of Civil Rights, state and Federal.

1. Statement of Claims: Plaintiff contends that above Defendants did manifested a totally disregard of the law, by unlawfully impaneling its Grand Jury outside the Color of the Law as set forth in S.C. Code ANN. 14-5-760 (2), then by Conspiracy and intrinsic Fraud presented in fraudulent indictments upon the Court and fraudulent indicting the plaintiff, then wrongfully Convicting and Sentencing the plaintiff by denying the plaintiff Due Process and Equal ~~Protection~~ Protection of the Law by Conspiracy and malicious Prosecution. all of the above was did by defendants By denying Plaintiff his State and Federal Rights to the Constitution.

2. Statements of Claims: By Conspiracy and misconduct, the Defendants did used arrest warrants that was not issued by a Legal setting Judge with Jurisdiction and authority, which did not take the oath of office, and was never ~~sworn~~ sworn in or invested with Judicial power to determine probable Cause; but yet defendants knowingly knew this, but still conspired to Frame Plaintiff Convict Plaintiff, and Violate him of his State and Federal Rights of the U.S. Constitution.

August 12, 2026
Howard L. Rogers,

State of South Carolina
County of Lexington

Court of Common Pleas
Case No.

Howard L. Rogers, #278510.
Plaintiff.

Relief

V.

Lexington County Solicitor,
Lexington County, et al.
Defendants.

1. Jury Trial Demanded.

2. each defendant is sued in their own official capacity.

3. each Defendant is liable, jointly, severally for mental, and punitive damages, no less than the amount of \$250,000.00.

4. Defendants is liable for all Court Cost and attorney fees.

5. the Court is to determined any, and all other relief that the Court determines reasonable.

August 17, 2026

Howard L. Rogers



SOUTH CAROLINA
JUDICIAL BRANCH

State of South Carolina

In the Court of Common Pleas

County of Lexington Eleventh Judicial Circuit

Plaintiff(s): Howard L. Rogers,

vs. Lexington County Solicitor

Defendant(s): Lexington County,

File No. _____

**Motion and Affidavit to Proceed in Forma Pauperis
(Motion for Waiver of Costs and Fees)**

I, [Fill in Name] Howard L. Rogers, am unable to pay the costs of filing and service in the present matter and request that the court waive the costs and allow me to proceed *in forma pauperis*.

Plaintiff submits the following financial declaration and affidavit in support of the above motion.

Plaintiff's
Address:

4460 Broad River Road, Columbia, S.C. 29210

Age:

Occupation:

Incarcerated

Employer:

Incarcerated

Employer
Address:

"

"



Gross Monthly Income

- 1) Earnings (attach recent pay stubs) 0
- 2) Overtime 0
- 3) Social Security, VA Benefits,
Workers' Comp or Disability (SSI) 0
- 4) Unemployment 0
- 5) Alimony / Child Support (receiving) 0
- 6) Other 0
[If Amount is Entered for "Other",
Specify] _____

Total Amount (Add lines 1-6):

00

Assets

- 1) Cash 0
- 2) Money in Bank Accounts (Checking &
Savings) 0
- 3) IRA / 401K / Pensions 0
- 4) Other 0
[If Amount Entered for "Other",
Specify] _____

Total Amount (Add lines 1-4):

00

Monthly Expenses

- 1) Rent / Mortgage 00
- 2) Utilities 0
- 3) Cell Phone / Phone 0



**SOUTH CAROLINA
JUDICIAL BRANCH**

- 4) Food 0
- 5) Alimony / Child Support (Paying) 0
- 6) Child Care 0
- 7) Car Payment 0
- 8) Car Operating Expenses (Insurance,
gas, maintenance) 0
- 9) Clothing 0
- 10) Cable / Satellite TV / Internet 0
- 11) Medical / Dental / Vision Expenses 0
- 12) Medical / Dental / Vision Insurance 0
- 13) Credit Card / Loan Payments 0
- 14) Other 0
[If Amount Entered for "Other",
Specify] _____

Total Amount (Add lines 1-14): 00

Household Information

- 1) Number of Adult Dependents
Residing in the Home 0
- 2) Number of Minor Dependents
Residing in the Home 0

Total Number (Add lines 1-2): 00



Donald L. Rogers
Signature of Plaintiff

Sworn to and subscribed before me this [Fill in Day Sworn] 17 Day of [Fill in Month]
Sworn] August, [Fill in Year Sworn] 2026

Tara Eichelberger
Signature of Notary Public

Tara Eichelberger

Printed Name of Notary Public

My Commission expires the [Fill in Expiration Day] 30 day of [Fill in Expiration Month] August
[Fill in Expiration Year] 2026





SOUTH CAROLINA
JUDICIAL BRANCH

STATE OF SOUTH CAROLINA)

COUNTY OF Lexington)

Howard L. Rogers,)

Plaintiff,)

vs.)

Lexington County Solicitor,)
Lexington County Defendant.)

IN THE County of Common Pleas

7th JUDICIAL CIRCUIT

ORDER
IN FORMA PAUPERIS

FILE NO. _____

ORDER

- ☐ Leave is Granted to proceed *in forma pauperis* without payment of the filing fee.
- ☐ Leave is Granted to proceed *in forma pauperis* without payment of the service cost.
- ☐ Leave is Denied to proceed *in forma pauperis* pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).
- ☐ Leave is Denied to proceed *in forma pauperis*. Plaintiff has failed to establish compliance with the Poverty Guidelines pursuant to Rule 3(b)(1), SCRCP.

If denied, this case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before _____, 20 ____.

Dated: _____, 20 ____

Presiding Judge, Judicial Circuit

_____, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Wayland L. Rogers #278510
4460 Broad River Road
Columbia, S.C. 29210



US POSTAGE
ZIP 29210 \$003.72⁰
02 4W
0000378366 SEP 30 2026

RECEIVED

OCT 07, 2026

S.C. SUPREME COURT

South Carolina Supreme Court
Post office Box 11330
Columbia, S.C. 29211

