

1. **RECEIVED** State of South Carolina
OCT 26 2026 In The Supreme Court
S.G. SUPREME COURT Appeal From Lexington County
Case No. 2026-CP-32-03210
Appellate Case No. 2026-002212

Hayward L. Rogers, Appellate,

VS.

State Respondent,

Written Explanation

When Case No. 2026-CP-32-03210, was first filed under newly discovered evidence for malicious prosecution. It was error for the Court to dismiss this action, as the applicant raised the action within the one year limitations pursuant to *Hayden v. State*, 278 S.C. 610, thus, the lower court made no rulings on the merits on the after discovered claim, ~~and~~ which created further miscarriages of justice. In further the Court denied the appellate due process and equal protection of law when it denied the appellate post conviction ~~applic~~ application because he was unable to pay the filing fee. See, *Thompson v. State*, 325 S.C. 58 (1997), Code 17-27-20; 24-27-100. Moreover, by a violation of the Administration of Justice

The Facts of The Case

The appellate argues that the solicitor "manifested a totally disregard of the law" By unlawfully impaneling its grand jury

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outside the Color of the Law, as set forth in S.C. Code ANN. 14-5-760 (2).

As mentioned above, The South Carolina General Assembly did not enact a provision in S.C. Code ANN. 14-5-760 (2). For ~~an~~ a term of Court for the "month of February".

In the case at bar 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 mentioned "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. as discussed above, there is simply no language in the statute set forth in S.C. Code ANN. 14-5-760 (2), which implies a "term of Court for the month of February".

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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 to apply to certain certain proceedings it could have ~~done~~ done so by including such language.

the appellate, being within the Framework established by the Supreme Court in Ex Parte Lilly, 7 S.C. 372 (S.C. 1876), the Court held; where the term of a Circuit Court, as fixed by law, has expired, the Judge has no power, by order, to continue its existence, convene it at another time, and proceed to the trial of cases. See, State v.

Henderson, 136 S.C. 363 (S.C. 1926), our Supreme Court held; the Court had no jurisdiction a Authority to try this case, charge the Jury, and to pass sentence, and that the Court had no Jurisdiction to hear and determine any matter or issue. the authority in this case is granted By the South Carolina Constitution; State v. Gentry, 610 S.E.2d 494 (S.C. 2005), and Gentry will not be the issue here.

S.C.R.C.P. Rule 77(e):

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. No term of Court shall be cancelled, or additional term scheduled without prior approval of the Chief Justice. the Solicitor in the instant case went above the Law to impanel its Grand Jury outside the Color of the Law pursuant to S.C. Code

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Ann. 14-5-760(2). When the Solicitor Requests that a week of Common Pleas Court be not held, or the solicitor requests that a week of General Sessions Court not be held, the Clerk shall immediately notify the Court Administration of this state: in the instant case neither party moved for a special order for a term of court to be held for the month of February, 1999.

meaning that the Court of General Sessions had no Jurisdiction, no authority to hear the appellate's case, and no authority to convict and sentence appellate, meaning that the appellate's conviction and sentence is in ~~in~~ violation of the State and Federal, ~~and~~ Constitution, in the appellate pursuant to S.C. Code Ann. ~~has~~ 17-27-20 has a due process right to challenge a illegal conviction. Thus the erred in not having a evidentiary hearing on his after/newly discovered evidence. See exhibits - Indictments A, B, and C, exhibit D, 14-5-760(2), ~~ex~~ exhibit A.A. It was prejudicial to the Administration of Justice to see known facts that caused a unjust conviction and sentence, yet the lower court turned a death eye to the merits of this case. the appellate in this motion of after/newly discovered evidence before the court should had been heard at first instance, instead of being dismissed as successive. In this matter before the court the appellate contends, that it is well established that the solicitor's is prejudicial to the Administration of Justice. The Solicitor did unlawfully impaneled its ~~B~~ Grand Jury outside the Statute, S.C. Code Ann. 14-5-760(2). the Solicitor in this case did

5

Commit prosecutorial misconduct, malicious prosecution, and acts that is prejudicial to the Administration of Justice.

Here, Administration of Justice means performance of acts or duties recorded by law in discharge of that Duty.

Conclusion

Based upon the arguments and facts of law
The appellate's writ shall be granted.

October 16, 2026.

Maynard L. Rogers

Certificate of Service

I, the undersigned hereby do certify that on this date a copy of his written explanation was served upon opposing Counsel by placing a copy in the U.S. mail postage prepaid

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