

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2025-001856

APPEAL FROM KERSHAW COUNTY
THE COURT OF GENERAL SESSIONS

APPLICATION FOR FORENSIC DNA TESTING
CASE NO. 2004-GS-28-0385

LAWRENCE L. CRAWFORD,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PROTECTIVE
MOTION TO WAIVE OR RELAX THE REQUIREMENT TO ATTACH A
WRITTEN FINAL ORDER THAT WAS NEVER ENTERED OR COPY OF
THE INDICTMENT; ALTERNATIVELY, TO EXTEND THE APPENDIX DEAD
LINE AND CLARIFY THE RECORD AND MOTION TO MOTION THEREFOR

TO: THE SOUTH CAROLINA COURT OF APPEALS,

RECEIVED

Oct 27 2026

SC Court of Appeals

ATTACHED THE COURT WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO COMPEL PRODUCTION AND TRANSMISSION OF THE COMPLETE RECORD, TO SUPPLEMENT THE RECORD UNDER RULE 212, SCACR, AND MOTION FOR AN EXTENSION OF TIME TO FILE THE APPENDIX PENDING RULING ON THIS MOTION AND MOTION TO MOTION THEREFOR, (19) PAGES DATED SEPTEMBER 19, 2026 ALONG WITH THE HISTORY PAGE FROM CASE 2013-CP-400-0084 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS.

PETITIONER-APPELLANT, APPEARING PRO SE, RESPECTFULLY MOVES THIS COURT FOR AN ORDER ADDRESSING THE ABSENCE OF THE WRITTEN FINAL ORDER FOLLOWING THE CIRCUIT'S COURT ORAL DISMISSAL OF THE DNA TESTING APPLICATION AND THE REQUIREMENT TO SUBMIT COPY OF THE INDICTMENT DUE TO STATE INTERFERENCE WHERE THE CLERK AFTER REPEATED REQUESTS IN WRITING FOR THESE DOCUMENTS HAVE IGNORED THOSE REQUESTS IN VIOLATION OF DUE PROCESS LAW, HER MINISTERIAL DUTY AND HAS FAILED TO FORWARD THOSE NEEDED COPIES OF DOCUMENTS TO THE APPELLANT TO PLACE WITHIN THE APPENDIX. APPELLANT REQUEST LIMITED RELIEF CONCERNING THE APPENDIX REQUIREMENT AND STATES:

I. RELEVANT PROCEDURAL FACTS:

(1) THE UNDERLYING PROCEEDING CONCERNS AN APPLICATION FOR POST-CONVICTION DNA TESTING UNDER THE SOUTH CAROLINA ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT.

(2) AT A HEARING ON OR ABOUT SEPTEMBER 13, 2025, THE CIRCUIT JUDGE ORALLY DISMISSED THE APPLICATION. TO APPELLANT'S KNOWLEDGE, THE COURT DID NOT THEREAFTER ENTER A WRITTEN FINAL ORDER MEMORIALIZING THAT DISMISSAL.

(3) APPELLANT SOUGHT PRODUCTION OF, OR ACCESS, TO THE WRITTEN ORDER AND INDICTMENT BY FILING A MOTION TO COMPEL/PRODUCE THE ORDER AND INDICTMENT. THE MOTION WAS DENIED BY

THE COURT OF APPEALS. A TRUE COPY OF THE MOTION AND THE RULING DENYING IT IS ATTACHED AND OR IS ESTABLISHED WITHIN THE PREVIOUS APPELLATE COURT RECORD, TO THE EXTENT AVAILABLE.

(4) APPELLANT CANNOT ATTACH A COPY OF THE INDICTMENT OR WRITTEN FINAL ORDER THAT WAS NEVER ENTERED OR MADE AVAILABLE. APPELANT RAISES THIS ISSUE EXPRESSLY AND IN GOOD FAITH, RATHER THAN SILENTLY OMITTING THE DOCUMENT IDENTIFIED IN RULE 247(e)(2), SCACR.

II. GOVERNING RULE AND BASIS FOR RELIEF:

(5) RULE 247(a), SCACR, PROVIDES FOR REVIEW BY WRIT OF CERTIORARI OF A FINAL ORDER GRATING OR DENYING DNA TESTING. RULE 247(e)(2) STATES THAT THE APPENDIX SHALL CONTAIN A COPY OF THE FINAL ORDER ENTERED IN THE PROCEEDING. THE RULE THEREFORE IDENTIFIES DOCUMENT(S) THAT APPELLANT REPRESENTS IS NOT AVAILABLE BECAUSE NO WRITTEN FINAL ORDER WAS ENTERED AND THE CLERK REFUSES TO SEND COPY OF THE REQUESTED INDICTMENT IN ACTS OF OBSTRUCTION OF JUSTICE AND VIOLATION OF HER MINISTERIAL DUTIES.

(6) RULE 240(c), SCACR, REQUIRES A WRITTEN MOTION STATING ITS GROUNDS, A MEMORANDUM WITH SUPPORTING AUTHORITY, AND SUPPORTING AFFIDAVITS OR DOCUMENTS WHEN THE FACTS RELIED UPON ARE NOT CONTAINED WITHIN THE RECORD ON APPEAL OR APPENDIX. APPELANT SUBMITS THE DENIED MOTION TO COMPEL/PRODUCE AND ANY AVAILABLE RULING OR DOCKET MATERIALS AS EVIDENCE OF THE STEPS TAKEN TO OBTAIN THE MISSING ORDER AND OR INDICTMENT.

III REQUESTED RELIEF:

WHEREFORE, APPELLANT RESPECTFULLY REQUESTS THAT THIS COURT:

(A) WAIVE AND OR RELAX, TO THE EXTENT PERMITTED, THE REQUIREMENTS OF RULE 247(e)(2), SCACR, THAT A COPY OF THE WRITTEN FINAL ORDER AND INDICTMENT BE INCLUDED IN THE APPENDIX, BECAUSE

APPELLANT REPRESENTS THAT NO SUCH WRITTEN ORDER WAS ENTERED AND THE CLERK IGNORED REPEATED REQUESTS FOR RELEVANT DOCUMENTS;

(B) IN THE ALTERNATIVE, EXTEND THE APPENDIX DEADLINE AND CLARIFY WHAT DOCUMENT OR PROCEDURE THE COURT REQUIRES WHERE THE LOWER COURT ORALLY DISMISSED THE APPLICATION BUT DID NOT ENTER A WRITTEN FINAL ORDER;

(C) PERMIT APPELLANT TO INCLUDE IN THE APPENDIX THE DENIED MOTION TO COMPEL/PRODUCE, THE RULING DENYING THAT MOTION, ANY AVAILABLE DOCKET SHEET, AND ANY TRANSCRIPT OR RECORD MATERIAL REFLECTING THE ORAL DISMISSAL, AS DOCUMENTATION OF THE MISSING-ORDER ISSUE--NOT AS A CLAIM THAT THESE MATERIALS ARE THEMSELVES A FINAL ORDER;

(D) DIRECT, IF THE COURT DEEMS IT APPROPRIATE, THAT THE LOWER COURT CLARIFY THE STATUS OF THE ORAL DISMISSAL AND WHETHER A WRITTEN ORDER WAS ENTERED, AND PERMIT SUPPLEMENTATION OF THE APPENDIX IF A WRITTEN ORDER IS LATER LOCATED OR ENTERED;

(E) DIRECT THAT THE APPENDIX NOT BE REJECTED OR THE PROCEEDINGS DISMISSED SOLELY BECAUSE APPELLANT CANNOT ATTACH A WRITTEN ORDER THAT WAS NEVER ENTERED, WHILE THE COURT CONSIDERS THIS MOTION; AND

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

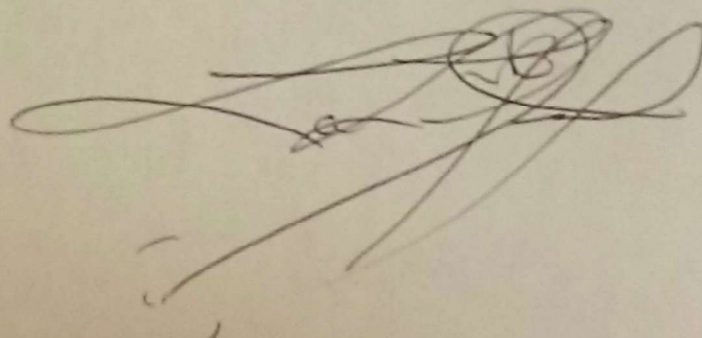
IV. REQUEST FOR EXPRESS RULING BEFORE THE DEADLINE:

APPELLANT UNDERSTANDS THAT RULE 240(b), SCACR, PROVIDES THAT FILING A MOTION DOES NOT, BY ITSELF, STAY DEADLINES IMPOSED BY THE APPELLATE RULES. APPELLANT THEREFORE REQUESTS AN EXPRESS ORDER GRANTING AN EXTENSION OR OTHER DEADLINE RELIEF BEFORE THE CURRENTLY UNDERSTOOD APPENDIX DEADLINE OF OCTOBER 29, 2026, OR SUCH OTHER DATE AS THE COURT DETERMINES APPLIES.

V. NO WAIVER OF JURISDICTIONAL OR PROCEDURAL
ARGUMENTS:

THIS MOTION IS PROTECTIVE. THE APPELLANT DOES NOT
CONCEDE THAT A WRITTEN ORDER EXISTS, THAT AN ORAL DISMISSAL
SATISFIES EVERY REQUIREMENT FOR REVIEW UNDER RULE 247, SCACR, OR
THAT THE ABSENCE OF A WRITTEN ORDER IS ATTRIBUTABLE TO APPELLANT.
THE APPELLANT ASKS THE COURT TO CLARIFY THE PROPER PROCEDURE AND
PRESERVE THE OPPORTUNITY TO SEEK REVIEW WITHOUT REPRESENTING THAT
A NONEXISTENT DOCUMENT CAN BE SUPPLIED.

RESPECTFULLY,
LAWRENCE L. CRAWFORD

A handwritten signature in dark ink, appearing to be 'L. Crawford', with a large, stylized flourish extending from the end of the signature.

OCTOBER 27, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2025-001856

APPEAL FROM KERSHAW COUNTY
THE COURT OF GENERAL SESSIONS

APPLICATION FOR FORENSIC DNA TESTING
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LAWRENCE L. CRAWFORD,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

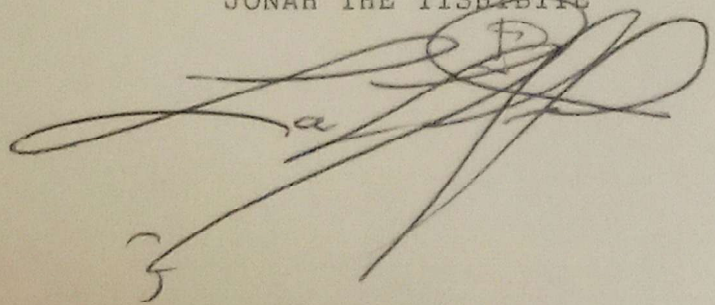
RESPONDENT

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; MOTION TO COMPEL PRODUCTION AND TRANSMISSION OF THE COMPLETE RECORD, TO SUPPLEMENT THE RECORD UNDER RULE 212, SCACR, AND MOTION FOR AN EXTENSION OF TIME TO FILE THE APPENDIX PENDING RULING ON THIS

MOTION 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 DIRECTOR OF S.C. LAW ENFORCEMENT DIVISION (SLED), DIRECTOR CHIEF MARK KEEL, SLED HEADQUARTERS 4400 BROAD RIVER ROAD, COLUMBIA, S.C. 29210, THE 5TH. CIRCUIT SOLICITOR'S OFFICE OF KERSHAW COUNTY, 1121 BROAD STREET, CAMDEN, S.C. 29020, THE KERSHAW COUNTY CLERK OF COURT, 515 WALNUT STREET, CAMDEN, S.C. 29020, AND ALL OTHER INVOLVED PARTIES BY PLACING IT IN THE INSTITUTION MAILBOX OR BY PDF ON SEPTEMBER 19, 2026.

RESPECTFULLY,
LAWRENCE L. CRAWFORD AKA
JONAH THE TISHIBITE

A handwritten signature in black ink, appearing to be 'Lawrence L. Crawford' with a stylized flourish at the end. Below the signature is a large, handwritten number '3'.

SEPTEMBER 19, 2026

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CASE DOCKET NO. 2025-001856

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THE COURT OF GENERAL SESSIONS

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TO SUPPLEMENT THE RECORD UNDER RULE 212, SCACR, AND
MOTION FOR AN EXTENSION OF TIME TO FILE THE APPENDIX
PENDING RULING ON THIS MOTION AND MOTION TO MOTION THEREFOR

TO: THE S.C. COURT OF APPEALS,

THE KERSHAW COUNTY CLERK OF COURT,
S.C. LAW ENFORCEMENT DIVISION,
THE S.C. ATTORNEY GENERAL,
THE 5TH. CIRCUIT SOLICITOR'S OFFICE ET. AL.,

HERE THE COURT OF APPEALS AND PARTIES WILL FIND:

(1) A COPY OF PAGE 16 OF 16 TO THE CASE HISTORY FOR CASE 2013-CP-400-0084 THAT OCCURRED IN THE RICHLAND COUNTY COURT OF COMMON PLEAS WHERE THE DNA EVIDENCE WAS PREVIOUSLY SOUGHT. IT IS CLEAR FROM THE RECORD THAT JUDGE NEWMAN LIED ABOUT HER EVER BEING A PARTY OF ANY PRIOR CASE THAT SOUGHT THE DNA EVIDENCE THAT IS AT ISSUE WITHIN THIS CASE ON APPEAL. JUDGE NEWMAN CLEARLY SAT ON CASE 2013-CP-400-0084 A CASE HELD UNRESOLVED FOR OVER (10) YEARS. THEREAFTER, SHE ATTEMPTED TO PRESIDE OVER CASES 2006-CP-3567, 3568 AND 3569 WHERE SHE WAS REQUIRED AND FORCED TO RECUSE HERSELF DUE TO THE INJUSTICE THAT OCCURRED UNDER CASE 2013-CP-400-0084. THEN SHE KNOWINGLY, PURPOSELY CAME WITHIN THE KERSHAW COUNTY COURT OF GENERAL SESSIONS TO MAKE THIS THIRD ATTEMPTED TO SABOTAGE AND CAUSE IRREPARABLE DAMAGE TO THOSE PROCEEDINGS WHICH SHE OBVIOUSLY SUCCEEDED IN ACTS OF COLLUSION AND FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW WITH THE ATTORNEY GENERAL'S OFFICE TO ESTABLISH A BACKWARDS-LOOKING-ACCESS-TO-THE-COURTS CLAIM. THE S.C. COURT OF APPEALS DENIAL OF INTERVENTION BY YAHDIRA OVERSTREET-U-DEEN, HAS ESTABLISHED CAUSE UNDER § 1983 THE STATE OF SOUTH CAROLINA WORKING TO ESTABLISH A BACKWARDS LOOKING ACCESS TO THE COURTS CLAIM. JUDGE NEWMAN WAS STATUTORILY BARRED SUPPORTED BY THE CODE OF JUDICIAL CONDUCT AND BY JUDICIAL HOLDING UNDER WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899(U.S.2016) FROM SITTING UPON THIS CASE, DEMONSTRATING THAT THE POTENTIAL FOR BIAS ROSE TO AN UNCONSTITUTIONAL LEVEL VOIDING HER JURISDICTION AB INITIO. THE INJURY IS FURTHER SUPPORTED BY THE FACT THAT SHE ISSUED AN ORAL RULING DISMISSING THE APPLICATION, BUT NEVER ENTERED INTO THE RECORD AN ACTUAL "WRITTEN" FINAL JUDGMENT AS THE STATUTE FOR DNA TESTING REQUIRED, WHICH IS A PREREQUISITE TO

APPEAL IN HER ATTEMPT TO HOLD THE APPELLANT'S DUE PROCESS MATTERS IN LEGAL LIMBO ACTING OUT OF THE SCOPE OF THE POWER AND AUTHORITY GIVEN TO HER BY STATUTE AND CONSTITUTION. THIS FURTHER ESTABLISHES MACHINATION DEMONSTRATING THAT EXHAUSTION OF STATE REMEDIES IS NO LONGER REQUIRED WHERE BY THE COURT'S RULING DENYING OVERSTREET-U-DEEN INTERVENTION WHEN HER NAME APPEARS ON THE FACE OF THE ACTUAL DNA APPLICATION AND THERE WAS NO ORDER ISSUED BY THE S.C. SUPREME COURT OR LOWER COURT SEVERING HER FROM THE PROCEEDINGS. UNDER ROSS v. BLAKE, 136 S.Ct. 1850(U.S.2016) ANY FURTHER EXHAUSTION OF STATE COURT REMEDIES IS NO LONGER REQUIRED PERMITTING BOTH CRAWFORD AND OVERSTREET TO FILE § 1983 TO MAKE FURTHER EFFORTS TO OBTAIN THE DNA EVIDENCE OF ACTUAL INNOCENCE.

INSOMUCH, THE APPELLANT HAS BEEN WRITING THE KERSHAW COUNTY CLERK FOR OVER 6 MONTHS ASKING HER TO SEND THE APPELLANT A COPY OF ANY FINAL JUDGMENT THAT WAS ENTERED WITHIN THIS CASE, TO INCLUDE A COPY OF THE INDICTMENT AND COPY OF THE ACTUAL DNA APPLICATION ITSELF, WHICH THESE DOCUMENTS ARE ESSENTIAL TO ALLOWING THE APPELLANT TO BE IN COMPLIANCE WITH THE COURT OF APPEALS ORDER INSTRUCTING THE APPELLANT TO FILE AND SERVE THE APPENDIX WITH (30) DAYS OF THE COURT OF APPEALS' ORDER DATED SEPTEMBER 9, 2026. DESPITE THAT REPEATED EFFORT ,AND REQUESTS, THE RESULT HAS PRODUCE NOTHING BUT SILENCE AND AN OVERT ACT OF OBSTRUCTION OF JUSTICE AND DERELICTION OF HER MINISTERIAL DUTY. IT IS THE APPELLANT'S POSITION, LIKE THE S.C. ATTORNEY GENERAL' OFFICE AND INDIGENT APPELLATE DEFENCE OFFICE COMPROMISED THE S.C. COURT ADMINISTRATION OFFICE TO PREVENT AND OR DELAY THE RELEASE OF THE TRIAL TRANSCRIPT TO FORCE AN UNCONSTITUTIONAL DISMISSAL FOR FAILURE TO PROSECUTE. THE SAME IDENTICAL PATTERN HAS NOW EMERGED INVOLVING THE KERSHAW COUNTY COURT CLERK'S OFFICE SUPPORTING THAT THE PETITIONER'S PREVIOUS CLAIM IS NOT CONCLUSORY WHERE THE CIRCUMSTANTIAL EVIDENCE REGARDING THIS CONSPIRACY CONTINUE TO PRESENT ITSELF. THEREFORE, THIS PLACES THE APPELLANT IN THE POSITION WHERE HE IS NOW FORCED, DUE TO THESE CURRENT MACHINATIONS, TO MOTION FOR AND SEEK TO COMPEL PRODUCTION AND THE TRANSMISSION OF THE COMPLETE RECORD TO PERMIT THE APPELLANT TO BE

IN COMPLIANCE WITH AND MEET THE DEMANDS OF THIS COURT AND ITS ORDER. THE PETITIONER-APPELLANT RESPECTFULLY MOVES AND OR MOTION FOR AN ORDER DIRECTING THE APPROPRIATE KERSHAW COUNTY CUSTODIAN(S) AND, AS NECESSARY, THE LOWER COURT TO LOCATE, CERTIFY, RELEASE, AND TRANSMIT THE ORIGINAL INDICTMENT AND THE COMPLETE DNA-TESTING APPLICATION WITH YAH DINA OVERSTREET-U-DEEN APPEARING ON ITS FACE, AND RECORD, AND ANY FINAL WRITTEN JUDGMENT THAT WAS FILED IN THE CASE, THAT JUDGE NEWMAN IS ENGAGING IN EXTRA JUDICIAL, ADMINISTRATIVE AND CONSPIRATORIAL ACTS TO CONCEAL, WORKING WITH THE STATE AND CLERK OF COURT, OR CONFIRMATION IN WRITING BE GIVEN THAT NO FINAL WRITTEN JUDGMENT WAS FILED IN THE CASE AT ALL, WHICH IS NECESSARY FOR MEANINGFUL APPELLATE REVIEW UNDER S.C. APPELLATE COURT RULE 247. THE APPELLANT-PETITIONER FURTHER REQUESTS THAT THE TIME FOR FILING THE RULE 247 APPENDIX BE EXTENDED AND RESET FROM THE DATE ON WHICH THIS COURT RULES ON THE PRESENT MOTION, BECAUSE THE REQUESTED MATERIALS ARE NECESSARY TO PREPARE AN ACCURATE AND COMPLETE APPENDIX.

I. RELIEF REQUESTED:

(1) DIRECT THE KERSHAW COUNTY CLERK OF COURT, CIRCUIT CLERK, OR OTHER OFFICIAL HAVING CUSTODY OF THE CRIMINAL FILE, INCLUDING THE SLED INVESTIGATIVE FILE, FILE 5501014, IN THE POSSESSION OF SLED (THE CRIMINAL UNLAWFUL NEGLECT CASE CONTAINING THE CORONER'S NOTES), EVERY PAGE, ENDORSEMENT, TRUE-BILL NOTATION, SIGNATURE, AMENDMENT, ATTACHMENT, AND SUPERSEDING OR SUBSTITUTED VERSION.

(2) DIRECT PRODUCTION OF THE COMPLETE DNA APPLICATION FOR FORENSIC DNA TESTING IN KERSHAW COUNTY GENERAL SESSIONS CASE NO. 2004-GS-28-0385, INCLUDING THE ORIGINAL APPLICATION, VERIFICATION, EXHIBITS, AFFIDAVITS, ATTACHMENTS, SUPPLEMENTS, RESPONSES, OBJECTIONS, AND ALL MATERIAL FILED WITH OR CONSIDERED BY THE LOWER COURT.

(3) DIRECT PRODUCTION OF THE COMPLETE

DOCKET/REGISTER OF ACTIONS, MINUTE ENTRIES, HEARING NOTICES, WRITTEN ORDERS, PROPOSED ORDERS, AND DISPOSITION DOCUMENTS RELATING TO THE DNA PROCEEDINGS.

(4) DIRECT PRODUCTION OF ALL FILING INTERVENTION, ADDITION TO THE CAPTION, SEVERANCE, MOTIONS TO COMPEL, FOR DEFAULT AND JUDGMENT, MANDAMUS, MOTIONS TO AMEND THE CAPTION, AND RULINGS ON THOSE MATTERS.

(5) DIRECT THE CUSTODIAN TO IDENTIFY IN WRITING ANY REQUESTED DOCUMENT THAT CANNOT BE LOCATED, STATING WHETHER IT WAS NEVER FILED, TRANSFERRED, SEALED, DESTROYED, OR OTHERWISE UNAVAILABLE AND IDENTIFY THE PRESENT CUSTODIAN IF KNOWN, TO INCLUDE WHO ACTUALLY IS IN POSSESSION OF THAT DNA THAT SLED LABORATORY ANALYST INFORMED THE PETITIONER WAS RETURNED TO THE KERSHAW COUNTY CORONER'S OFFICE.

(6) PERMIT AND DIRECT TRANSMISSION OF THE RESULTING MATERIALS AS SUPPLEMENTAL RECORD MATERIALS UNDER RULE 212, SCACR, AND THEIR INCLUSION IN THE APPENDIX UNDER RULE 247, SCACR, AS APPROPRIATE.

(7) EXTEND THE DEADLINE FOR FILING THE RULE 247 APPENDIX AND RESET THAT DEADLINE TO (30) DAYS AFTER ENTRY AND SERVICE OF THIS COURT'S ORDER RESOLVING THIS MOTION, OR FOR SUCH OTHER PERIOD AS THE COURT DEEMS JUST, FAIR AND PROPER, SO THAT THE PETITIONER CAN PREPARE THE APPENDIX FROM THE ACTUAL RECORD RATHER THAN AN INCOMPLETE RECONSTRUCTION.

II. WHY THE ORIGINAL INDICTMENT AND SLED FILE ARE ESSENTIAL TO THIS APPEAL:

THE ORIGINAL INDICTMENT OR THE SLED INVESTIGATIVE FILE IS NOT REQUESTED AS COLLATERAL MATERIAL. THE SLED INVESTIGATIVE FILE IS NECESSARY IN SUPPORTING THE CLAIMS OF ACTUAL INNOCENCE AS WAS ARGUED IN THE DNA APPLICATION ITSELF AND THE INDICTMENT IS NECESSARY BECAUSE PETITIONER SEEKS TO PRESENT A

CONSTITUTIONAL CHARGING-FUNCTION ISSUE THAT TURNS ON THE EXACT LANGUAGE RETURNED BY THE GRAND JURY. THE COURT CANNOT RESOLVE THAT ISSUE FROM A LATER DESCRIPTION OF THE INDICTMENT OR FROM A STATUTORY SUMMARY. THE ACTUAL INSTRUMENT RETURNED BY THE GRAND JURY MUST BE PLACED BEFORE THE COURT. PETITIONER-APPELLANT CONTENDS THAT THE INDICTMENT USES LANGUAGE THAT, READ ACCORDING TO ITS PLAIN AND ORDINARY GRAMMATICAL MEANING, APPEARS TO STATE AS AN ADJUDICATED FACT THAT THE ACCUSED COMMITTED THE HOMICIDE, INCLUDING LANGUAGE CONCERNING "MALICE AND AFORETHOUGHT", RATHER THAN MERELY ALLEGING THAT THE ACCUSED IS CHARGED WITH HAVING COMMITTED THE OFFENSE. PETITIONER FURTHER CONTENDS THAT THE CONSTITUTIONAL CRIMINAL PROCESS REQUIRES THE GRAND JURY TO PERFORM A CHARGING FUNCTION AND THE TRIAL JURY OR OTHER CONSTITUTIONALLY AUTHORIZED FACT-FINDER TO DETERMINE GUILT "ONLY", "ONLY" AFTER THE STATE SATISFIES ITS BURDEN OF PROOF WHICH IS COMPOUNDED BY AN UNCONSTITUTIONAL JURY CHARGE TO CORRECT THE INJUSTICE. THE SLED FILE, FILE 5501014 CONTAINS EVIDENCE OF WHAT THE ACTUAL DEATH WAS TRULY CAUSED BY (THE CORONER'S NOTES TAKEN AT THE TIME OF DEATH UPON HER INITIAL EXAMINATION). THE COURT SHOULD THEREFORE OBTAIN THE SLED FILE IN QUESTION ALONG WITH OBTAINING THE ORIGINAL DOCUMENT BEFORE DECIDING WHETHER SUCH EVIDENCE EXIST TO SUPPORT THE RELEASE OF THE DNA EVIDENCE AND THE CHALLENGED WORDING IS ORDINARY ACCUSATORY PLEADING LANGUAGE, AN ERRONEOUS FORMULATION, OR A MATERIALLY DIFFERENT CONSTITUTIONAL DEFECT. THIS MOTION DOES NOT ASK THE COURT TO ASSUME THAT EVERY INDICTMENT USING THE VERB "DID" IS UNCONSTITUTIONAL. THE REQUESTED RELIEF IS NARROWER: OBTAIN THE SLED INVESTIGATIVE FILE CONTAINING THE CORONER'S NOTES IMPLICATING THE TRUE CAUSE OF DEATH, OBTAIN THE ACTUAL INDICTMENT SO THE COURT CAN SEE DETERMINE WHAT WAS RETURNED, WHAT LEGAL THEORY WAS PRESENTED, AND WHETHER THE CONSTITUTIONAL QUESTION WAS ACTUALLY ADDRESSED IN THE PRIOR PROCEEDINGS.

III. GRAND-JURY CHARGING FUNCTION AND THE PRESUMPTION OF INNOCENCE:

SOUTH CAROLINA LAW EXPRESSLY PROVIDES THAT,

SUBJECT TO SPECIFIED EXCEPTIONS, A PERSON MAY NOT BE HELD TO ANSWER IN COURT FOR AN ALLEGED CRIME UNLESS UPON INDICTMENT BY A GRAND JURY. SEE S.C. CODE ANN. § 17-19-10. SECTION 17-19-20 FURTHER REQUIRES ALLEGATIONS OF TIME AND PLACE AND A CHARGE STATED IN THE LANGUAGE OF THE COMMON LAW OR STATUTE, OR WITH SUFFICIENT CLARITY THAT THE NATURE OF THE OFFENSE MAY BE UNDERSTOOD. THESE PROVISIONS REINFORCE THE DISTINCTION BETWEEN THE GRAND JURY'S CHARGING FUNCTION AND THE TRIAL ADJUDICATION OF GUILT. SEE S.C. CODE ANN. §§ 17-19-10, 20. THE CONSTITUTIONAL SIGNIFICANCE OF THE PRESUMPTION OF INNOCENCE IS ESTABLISHED INDEPENDENTLY OF THE PRECISE WORDING OF SOUTH CAROLINA PLEADING STATUTES. SEE NELSON v. COLORADO, 581 U.S. 128, 134-36 (U.S.2017), DESCRIBES THE PRESUMPTION OF INNOCENCE AS FUNDAMENTAL TO THE CRIMINAL PROCESS AND HOLDS THAT THE STATE MAY NOT TREAT A PERSON AS FINALLY GUILTY IN A MANNER INCONSISTENT WITH THAT PRESUMPTION AFTER THE CONVICTION HAS BEEN INVALIDATED. BETTERMAN v. MONTANA, 578 U.S. 437, 447-48 (U.S.2016), LIKEWISE IDENTIFIES THE PRESUMPTION OF INNOCENCE AS CONTINUING THROUGH THE ADJUDICATIVE PROCESS UNTIL GUILT IS ESTABLISHED. THESE CASES DO NOT HOLD THAT CONVENTIONAL INDICTMENT LANGUAGE IS ITSELF UNCONSTITUTIONAL; RATHER, THEY SUPPLY CONSTITUTIONAL PRINCIPLES AGAINST WHICH THE ALLEGED LANGUAGE SHOULD BE EXAMINED.

PETITIONER THEREFORE PROPOSES THE FOLLOWING ISSUE WHICH IS AN INTRINSIC PART OF HIS BRIEF PRESENTED FOR REVIEW: WHETHER AN INDICTMENT MAY CONSTITUTIONALLY BE CONSTRUED AS MERELY ACCUSATORY WHEN ITS ACTUAL LANGUAGE PURPORTS TO STATE, BEFORE TRIAL OR PLEA, THAT THE ACCUSED "DID" COMMIT THE CHARGE OF HOMICIDE OR ANY OTHER CRIME WITH THE REQUIRED MENS REA, AND WHETHER A COURT MAY LATER ALTER THAT LEGAL THEORY WITHOUT VIOLATING THE GRAND-JURY CHARGING FUNCTION, DUE PROCESS LAW, OR THE DEFENDANT'S RIGHT TO BE TRIED ON THE CHARGE ACTUALLY RETURNED. THE DISTINCTION IS MATERIAL. AN ACCUSATION INFORMS THE ACCUSED OF WHAT THE STATE MUST PROVE. IT IS NOT TO BE GIVEN TO THEM IN ANY MANNER BEFORE THEY PROVE IT. AN ADJUDICATION DETERMINES WHETHER HAS PROVED IT. THE CONSTITUTIONAL PROBLEM ALLEGED HERE IS THAT THE INDICTMENT, BY THE CLEAR

LANGUAGE CONTAINED THEREIN, BY ESTABLISHED FUNDAMENTAL PRINCIPLES, CROSS THAT LINE ON ITS FACE. THAT ALLEGATION CANNOT RESPONSIBLY BE RESOLVED WITHOUT THE ORIGINAL INSTRUMENT BEING PLACED BEFORE THIS COURT.

IV. CONSTRUCTIVE AMENDMENT AND THE LIMITS ON JUDICIAL CORRECTION:

SOUTH CAROLINA CODE ANN. § 17-19-100 PERMITS AMENDMENT "ONLY" WHERE THE AMENDMENT DOES NOT CHANGE THE NATURE OF THE OFFENSE CHARGED. THE STATUTE DOES NOT AUTHORIZE A COURT TO REPLACE THE GRAND JURY'S SUBSTANTIVE CHARGING THEORY WITH A DIFFERENT THEORY. SOUTH CAROLINA SUPREME COURT AUTHORITY RECOGNIZES THAT PERMISSIBLE AMENDMENTS ARE LIMITED AND THAT AN AMENDMENT CHANGING THE NATURE OF THE OFFENSE CANNOT BE ACCOMPLISHED MERELY AS A FORM CORRECTION. SEE S.C. CODE ANN. § 17-19-100; STATE v. MEANS, 365 S.C. 512, 519-20, 619 S.E.2d. 622, 626 (S.C.App.2005); CUTNER v. STATE, 368 S.C. 37, 41-42, 626 S.E.2d. 898, 900-01 (S.C.2006); STATE v. SWEET, 446 S.C. 356, 919 S.E.2d. 909(S.C.App.2025); STATE v. DENT, 446 S.C. 121, 919 S.E.2d.394(S.C.App.2025)(THE COURT REVERSED THE CONVICTION BECAUSE THE TRIAL COURT'S JURY INSTRUCTION EXPANDED THE INDICTMENT'S SPECIFIC LANGUAGE); UNITED STATES v. BREWBAKER, 87 F.4TH. 563(4th.Cir.2023)(A CONSTRUCTIVE AMENDMENT OF AN INDICTMENT OCCURS WHEN THE COURT OR GOVERNMENT BROADENS THE POSSIBLE BASES FOR CONVICTION BEYOND THOSE STATED IN THE INDICTMENT BY, FOR EXAMPLE, ASSERTING A SPECIFIC LEGAL THEORY IN THE INDICTMENT, BUT THEY RELY ON A DIFFERENT THEORY AT TRIAL).

THE REQUESTED ARGUMENT IS THEREFORE NOT SIMPLY THAT A TYPOGRAPHICAL DEFECT EXISTS. THE PETITIONER-APPELLANT CONTENDS THAT IF THE INDICTMENT IS CONSTRUED AS HAVING RETURNED A LEGAL THEORY THAT TREATS GUILT AS ALREADY BEING ESTABLISHED, THEN CORRECTING THE DEFECT BY REWRITING AND CHARGING LANGUAGE TO STATE THAT THE ACCUSED IS PRESUMED INNOCENT AND THE STATE MUST PROVE MALICE AND THE OTHER ELEMENTS BEYOND A REASONABLE DOUBT WOULD NOT MERELY CORRECT THE FORM. IT WOULD ALTER THE LEGAL MEANING OF THE

CHARGING INSTRUMENT. THE COURT SHOULD NOT ASSUME THAT S.C. CODE ANN. § 17-19-100 PERMITS SUCH A CHANGE WITHOUT ADDRESSING THE CONSTITUTIONAL AND PRESENTMENT CONSEQUENCES. THE ISSUE ALSO IMPLICATES THE CONSTITUTIONAL PROTECTION AGAINST BEING TRIED ON A MATERIALLY DIFFERENT CHARGE FROM THAT WHICH WAS RETURNED BY THE GRAND JURY. FEDERAL 5TH. AND 14TH. CONSTRUCTIVE-AMENDMENT DOCTRINE TREATS A MATERIAL VARIANCE BETWEEN THE INDICTMENT AND THE CHARGE SUBMITTED TO THE PETIT JURY AS A SERIOUS CONSTITUTION PROBLEM (CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION FOR DUE PROCESS VIOLATION) BECAUSE THE GRAND JURY, NOT THE PROSECUTOR OR THE TRIAL COURT, DETERMINES WHAT CHARGES ARE RETURNED. SEE STIRONE v. UNITED STATES, 361 U.S. 212, 217-19 (1960); RUSSELL v. UNITED STATES, 369 U.S. 749, 770 (1962). THE PETITIONER ASKS THE COURT TO CONSIDER THESE AUTHORITIES AS CONSTITUTIONAL CHARGING-FUNCTION PRINCIPLES, NOT AS A CLAIM THAT EVERY VARIANCE IS AUTOMATICALLY JURISDICTIONAL.

V. THE TIME-AND-PLACE ALLEGATIONS REQUIRE THE ORIGINAL INDICTMENT AND THE SLED INVESTIGATIVE FILE, FILE 5501014:

THE INDICTMENT PRESENTLY AT ISSUE IS ALLEGED TO IDENTIFY THE ASSAULT AS OCCURRING ON JANUARY 25, 2001, IN KERSHAW COUNTY, WHILE THE VICTIM'S DEATH IS ALLEGED TO HAVE OCCURRED ON JANUARY 26, 2001, IN RICHLAND COUNTY. THE SLED FILE SOUGHT ALSO CONTAINS AN ACTUAL COPY OF THE DEATH CERTIFICATE THAT WOULD INDISPUTABLY VERIFY THIS CLAIM AS WELL. PETITIONER CONTENDS THAT THE INDICTMENT DOES NOT PROPERLY ALLEGE THE TIME AND PLACE OF THE DEATH ITSELF. THAT DISTINCTION MATTERS BECAUSE SOUTH CAROLINA MURDER INDICTMENT STATUTE EXPRESSLY REQUIRES THE INDICTMENT, IN ADDITION TO SETTING FORTH THE TIME AND PLACE, TO STATE IN WHICH MANNER THE DEATH WAS CAUSED, WHERE THE INDICTMENT FAILS AT THIS REQUIREMENT ALSO, AND TO CHARGE THE DEFENDANT WITH FELONIOUS, WILLFULLY, AND WITH MALICE AND AFORETHOUGHT KILLING AND MURDERING THE DECEASE. SEE S.C. CODE ANN. § 17-19-30. SOUTH CAROLINA PRECEDENT HAS TREATED "TIME AND PLACE" ALLEGATIONS AS PART OF THE SUFFICIENCY ANALYSIS, WHILE ALSO RECOGNIZING THAT AN INDICTMENT NEED NOT ALWAYS STATE FACTS WITH IMPOSSIBLE PRECISION. SEE WINN

v. STATE, 365 S.C. 469, 479-80, 618 S.E.2d. 723, 729-30 (S.C.2005). WINNS IS IMPORTANT BECAUSE IT DIRECTLY ADDRESSED A MURDER INDICTMENT ALLEGED TO HAVE FAILED TO STATE THE TIME AND PLACE OF THE VICTIM'S DEATH AND HELD THE INDICTMENT SUFFICIENT UNDER THE CIRCUMSTANCES. SEE ID. PETITIONER'S PRESENT ARGUMENT SHOULD THEREFORE BE FRAMED AS A RECORD-SPECIFIC CONSTITUTIONAL AND CHARGING-FUNCTION ISSUE, NOT AS AN ASSERTION THAT EVERY DISCREPANCY IN TIME OR COUNTY AUTOMATICALLY ELIMINATES THE COURT'S SUBJECT MATTER JURISDICTION. IF THE ORIGINAL INDICTMENT ALLEGES ONLY THE PLACE OF THE ASSAULT IN KERSHAW COUNTY AND DOES NOT ALLEGE THE PLACE AND TIME OF DEATH IN RICHLAND COUNTY, WHICH IT DOES NOT, WHICH IS REQUIRED BY LAW, § 17-19-30, THE COURT SHOULD HAVE THE EXACT DOCUMENT BEFORE IT AND THE DEATH CERTIFICATE IN THE SLED FILE TO CONFIRM THIS, TO DETERMINE WHETHER THE DEFECT IS ONE OF FORM, NOTICE, VARIANCE, VENUE, STATUTORY SUFFICIENCY, OR A CONSTITUTIONAL CHARGING DEFECT THAT POTENTIALLY VIOLATES ARTICLE 1 § 11, 12 OF THE S.C. CONSTITUTION. THE ANSWER CANNOT SAFELY BE DETERMINED FROM A PARAPHRASE WHICH THESE CIRCUMSTANCES WOULD ALSO SUPPORT THE CLAIM OF THE STATE'S FAILURE TO RELEASE ADDITIONAL EXCULPATORY EVIDENCE IN VIOLATION OF WEARRY v. CAIN, 577 U.S. 385, 392, 136 S.Ct. 1002(U.S.2016).

VI. GENTRY, SUBJECT MATTER JURISDICTION, AND THE CONSTITUTIONAL AUTHORITY TO ADJUDICATE:

PURSUANT TO STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998), THERE IS NO "HYPOTHETICAL JURISDICTION". IF A COURT ASSUMES IT HAS POWER TO PROCEED WITHOUT CHECKING ITS ACTUAL BOUNDARIES FIRST, IT VIOLATES THE CONSTITUTION PURSUANT TO FEDERAL DUE PROCESS. UNDER MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599(U.S.2016), IF THE COURT'S UNDERLYING PROCESS USED TO ESTABLISH A COURT'S POWER IS UNCONSTITUTIONAL? ANY ACTION TAKEN UNDER THAT UMBRELLA IS VOID AB INITIO (FROM THE VERY BEGINNING). BY IGNORING CORE COMPONENTS OF THE OFFENCE (SUCH AS TIME, PLACE, PROPER LEGAL THEORY), THE RULING LEAVES THE BOUNDARIES OF CIRCUIT

COURT'S ACTUAL POWER ARBITRARY. GENTRY IS SILENT, EVASIVE, ON THE CONSTITUTIONAL REQUIREMENTS OF NOTICE, EFFECTIVELY LETTING THE STATE BYPASS MANDATORY JURISDICTIONAL THRESHOLDS UNDER THE GUISE OF MERE "PROCEDURAL TECHNICALITIES". THE PETITIONER RECOGNIZES AN IMPORTANT LIMITATION IN RELYING ON STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494 (2005). GENTRY EXPRESSLY REJECTED THE PROPOSITION THAT AN ORDINARY DEFECTIVE INDICTMENT DEPRIVES A SOUTH CAROLINA CIRCUIT COURT OF SUBJECT MATTER JURISDICTION, ID. AT. 101-03, 610 S.E.2d. AT. 499-500. MORE RECENT SOUTH CAROLINA DECISIONS HAVE REITERATED THAT SUBJECT MATTER JURISDICTION MEANS THE COURT'S POWER TO HEAR AND DETERMINE CASES OF A GENERAL CLASS TO WHICH THE PROCEEDINGS IN QUESTION BELONGS, AND THAT OLDER CASES SOMETIMES USED "JURISDICTION" LANGUAGE IMPRECISELY, WHICH IN TRUTH WAS NOT THE CASE. THEY WERE REFERRING TO THE CONSTITUTIONAL COMPONENT OF JURISDICTION WHICH GENTRY WAS SILENT, FAILED TO ADDRESS ESTABLISHING NON FINALITY. BUT SEE ALLEN v. S.C. DEPT. OF CORR., 439 S.C. 164, 167-69, 886 S.E.2d. 671, 672-73 (2023); RIVERS v. SMITH, 449 S.C. 220, 919 S.E.2d. 545(2025). THE GENTRY RULING MAY NOT BE CONSIDERED A FINAL JUDGMENT, ESPECIALLY IN THIS CASE WHERE WE HAVE POTENTIAL FRAUD UPON THE COURT, THE GENTRY COURT PURPOSELY FAILING TO ADDRESS WHETHER SUBSTANTIAL DUE PROCESS VIOLATIONS OF AN EGREGIOUS NATURE RISE TO A LEVEL OF BEING UNCONSTITUTIONAL AFFECTING THE COURT'S CONSTITUTIONAL AUTHORITY TO HEAR A CASE TAKING THE CASE OUT OF THE CLASS TO WHICH THE PROCEEDINGS IN QUESTION BELONG. SEE ESTATE OF CUNNINGHAM v. MAYOR AND CITY COUNCIL OF BALTIMORE, 128 F.4TH. 238(4th.Cir.2025)(COURT DISMISSED APPEAL BECAUSE THE LOWER COURT OVERLOOKED AND FAILED TO RESOLVE CLAIMS ON TWO ISSUES. BECAUSE THE JUDGMENT WAS SILENT ON THE CLAIM IT WAS NOT FINAL JUDGMENT FOR APPEAL PURPOSES); ESCOBAR-SALMERON v. MOYER, 150 F.4TH. 360(4th.Cir.2025)(SILENCE ON A CLAIM PREVENTS FINALITY. THE COURT MUST OBJECTIVELY RESOLVE ALL CLAIMS BEFORE A JUDGMENT IS FINAL); LOWY v. DANIEL DEFENSE, LLC., --F.4TH.--, 2026 WL 376731 (4th.Cir.2026)WITHOUT EXPRESSED LANGUAGE [THERE IS NO LANGUAGE ADDRESSING THE CONSTITUTIONAL ELEMENT OF SUBJECT MATTER JURISDICTION IN GENTRY] SILENCE EQUAL NON-FINALITY. ALL CLAIMS MUST BE RESOLVED).

ACCORDINGLY, EVEN THOUGH GENTRY ESTABLISHED A CONSTITUTIONAL "BLINDSPOT" BY THEIR DETERMINATION, THE STRONGER PRESENTATION IS NOT THAT GENTRY CAN SIMPLY BE BYPASSED BY LABELING EVERY CONSTITUTIONAL INDICTMENT DEFECT "SUBJECT-MATTER-JURISDICTION". RATHER, PETITIONER ASKS THE COURT TO DISTINGUISH AN ORDINARY PLEADING DEFECT FROM THE ALLEGED CONSTITUTIONAL CIRCUMSTANCE IN WHICH THE STATE SEEKS TO OBTAIN A CRIMINAL ADJUDICATION THROUGH A CHARGING INSTRUMENT THAT, ACCORDING TO ITS ACTUAL LANGUAGE, PURPORTS TO ADJUDICATE GUILT BEFORE TRIAL OR A PLEA IS GIVEN, OR REQUIRES A LATER COURT TO CHANGE THE LEGAL THEORY RETURNED BY THE GRAND JURY. THE DISTINCTION IS SIGNIFICANT BECAUSE THE UNITED STATES SUPREME COURT HAS REPEATEDLY TREATED JURISDICTION AS A THRESHOLD QUESTION CONCERNING JUDICIAL POWER. CASES LIKE FIRST PROTECTION INSURANCE COMPANY v. LEWIS EDWARD O'LEARY, 2025 WL 1936566 (4th.Cir.2025); JEFFERIES v. PRINCE GEORGE'S COUNTY, 2025 WL 590433 (D.Md.2025); KOKKONEN v. GUARDIAN LIFE INS. CO. OF AMERICA, 114 S.Ct. 1673(U.S.1994); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003, 1012 (U.S.1998)(ADJUDICATE THAT BOTH STATE AND FEDERAL COURTS ONLY POSSESS POWER BY "CONSTITUTION" (EMPHASIS ADDED AND STATUTE), AND STATES THAT JURISDICTION MUST BE ESTABLISHED (UNDER BOTH COMPONENTS-ELEMENTS) BEFORE A COURT REACHES THE MERITS AND THAT A COURT WITHOUT JURISDICTION CANNOT PROCEED TO ADJUDICATE THE CAUSE DESPITE THEY HAVING STATUTORY JURISDICTION. PETITIONER SHOULD NOT, HOWEVER, CITE STEEL CO. ALONE AS ESTABLISHING A TWO-ELEMENT SOUTH CAROLINA TEST FOR CRIMINAL SUBJECT MATTER JURISDICTION. MONTGOMERY v. LOUISIANA, 136 S.Ct. 718 (U.S.2016); SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY,--S.E.2d.--, 2020 WL 6154305 (S.C.2020); NATIONSTAR MORTG., LLC. v. MEISNER, S.E.2d., 2016 WL 1700516 (S.C.2016); KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362(S.C.2019) AND FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.2020) DO INDEED SUPPORT AND OR ESTABLISH THE DUEL ELEMENTS-COMPONENTS TEST OF SUBJECT-MATTER-JURISDICTION AS BEING BOTH STATUTORY AND CONSTITUTIONAL IN NATURE. NEVERTHELESS, STEEL CO. IS A FEDERAL ARTICLE III JURISDICTION CASE THOUGH SUPPORTED FOR STATE CRIMINAL CASES BY MONTGOMERY. ITS

PROPER USE HERE IS LIMITED TO THE GENERAL CONSTITUTIONAL PRINCIPLE THAT A COURT MUST POSSESS LAWFUL ADJUDICATIVE AUTHORITY BEFORE REACHING THE MERITS. LIKEWISE, THE CONSTITUTIONAL COMPONENT OF THE ARGUMENT SHOULD BE PRESENTED AS A SUBSTANTIAL DUE PROCESS AND GRAND-JURY PRESENTMENT QUESTION. IF THE COURT CONCLUDES THAT THE INDICTMENT IS CONSTITUTIONALLY DEFECTIVE, THE COURT CAN THEN DETERMINE THE APPROPRIATE REMEDY UNDER SOUTH CAROLINA LAW WITHOUT ARTIFICIALLY CONVERTING EVERY INDICTMENT DEFECT INTO SUBJECT MATTER JURISDICTION.

VII. DOUBLE-JEOPARDY AND THE PROBLEM CREATED BY A CHARGING INSTRUMENT THAT PURPORTS TO ESTABLISH GUILT:

PETITIONER FURTHER RAISES A RELATED CONSTITUTIONAL CONCERN REQUIRING CAREFUL TREATMENT. IF THE STATE'S ORIGINAL CHARGING INSTRUMENT(S) WERE CONSTRUED AS HAVING ALREADY ESTABLISHED THE VERY FACTS THAT THE STATE LATER HAD TO PROVE AT TRIAL, A SUBSEQUENT ATTEMPT TO RETRY THOSE FACTS COULD CREATE A SERIOUS DOUBLE-JEOPARDY AND DUE PROCESS QUESTION. THE DOUBLE JEOPARDY CLAUSE PROTECTS AGAINST A SECOND PROSECUTION FOR THE SAME OFFENSE AFTER JEOPARDY ATTACHES, AND THE CONSTITUTIONAL STRUCTURE ALSO LIMITS THE STATE'S ABILITY TO MANIPULATE THE CHARGE AFTER A TRIAL HAS BEGUN. SEE U.S. CONST. AMEND. 5 AND 14, ARTICLE 1 § 3 AND ARTICLE 1 § 12 OF THE S.C. CONSTITUTION; BROWN V. OHIO, 432 U.S. 161, 165-66 (U.S.1977); STIRONE, 361 U.S. AT. 217-19. PETITIONER DOES NOT ASK THE COURT TO HOLD THAT DOUBLE JEOPARDY HAS ALREADY ATTACHED MERELY BECAUSE AN INDICTMENT CONTAINS CONVENTIONAL CHARGING LANGUAGE. THE NARROWER POINT IS THAT THE ORIGINAL INDICTMENT IS INDISPENSABLE TO DETERMINING WHETHER THE ALLEGED CONSTITUTIONAL CONTRADICTION ACTUALLY EXISTS: A DOCUMENT THAT ALLEGEDLY STATES GUILT BEFORE TRIAL OR PLEA, FOLLOWED BY A TRIAL REQUIRING PROOF OF THE SAME GUILT BEYOND A REASONABLE DOUBT, PRESENTS A MATERIALLY DIFFERENT CONSTITUTIONAL QUESTION FROM AN ORDINARY INDICTMENT THAT MERELY ALLEGES CRIMINAL CONDUCT.

VIII. ERLINGER AND JARKESY: SUBSIDIARY FACTFINDER
PRINCIPLES:

ERLINGER v. UNITED STATES, 602 U.S. 821, 834-36 (U.S.2024), CONFIRMS THE CONSTITUTIONAL IMPORTANCE OF ASSIGNING FACTUAL DETERMINATIONS CARRYING CRIMINAL CONSEQUENCES TO THE CONSTITUTIONALLY REQUIRED FACTFINDER AND APPLYING THE BEYOND-A-REASONABLE-DOUBT STANDARD WHERE THE CONSTITUTION SO REQUIRES. SEC. v. JARKESY, 603 U.S. 109, 119-25 (U.S.2024). LIKEWISE ADDRESSES THE CONSTITUTIONAL ROLE OF THE JURY IN ADJUDICATING FACTS AND LIABILITY IN THE CONTEXT BEFORE THAT COURT. NEITHER DECISION DIRECTLY HOLDS THAT SOUTH CAROLINA INDICTMENT LANGUAGE OF THE KIND ALLEGED HERE IS UNCONSTITUTIONAL. THEY ARE THEREFORE CITED ONLY AS SUBSIDIARY STRUCTURAL PRINCIPLES SUPPORTING THE DISTINCTION BETWEEN CHARGING AND ADJUDICATION. THE PRINCIPLE AUTHORITIES FOR THE PRESENT ISSUE REMAIN THE GRAND-JURY AND DUE PROCESS PRINCIPLES REFLECTED IN THE 5TH. AND 14TH. AMENDMENTS, ARTICLE 1 § 3, ARTICLE 1 § 11, ARTICLE 1 § 12 OF THE SOUTH CAROLINA CONSTITUTION, SOUTH CAROLINA INDICTMENT STATUTES WHERE BY RECENT 4TH. CIRCUIT AND S.C. SUPREME COURT RULINGS THE COURT MUST ADHERE TO THE PLAIN LANGUAGE OF UNAMBIGUOUS STATUTES AND NOT GIVE WAY TO SUBTLY EXPANDING OR FORCE CONSTRUCTING THOSE STATUTES, AND THE CONSTRUCTIVE AMENDMENT CASES PRESENTED. THE COURT SHOULD EVALUATE THE INDICTMENT'S EXACT LANGUAGE RATHER THAN INFER ITS LEGAL EFFECT FROM LATER PROCEEDINGS.

IV. WHY THE COMPLETE IS REQUIRED BEFORE THE COURT CAN
RESOLVE THESE ISSUES:

THE REQUESTED DOCUMENTS BEAR DIRECTLY ON SEVERAL INDEPENDENT QUESTIONS: (1) WHOSE NAMES ACTUALLY APPEAR ON THE FACE OF THE DNA APPLICATION WHICH IS THE SOURCE OF THIS APPEAL PRODUCING EXTREME PREJUDICE AGAINST THE PARTY YAHADINA OVERSTREET-U-DEEN DUE TO THERE BEING NO SEVERANCE ORDER ISSUED BELOW; (2) WHAT THE GRAND JURY ACTUALLY RETURNED; (3) WHETHER THE ORIGINAL INDICTMENT CONTAINS THE ALLEGED "GUILT" LANGUAGE; (4) WHETHER THE INDICTMENT ALLEGES THE REQUIRED TIME AND PLACE OF THE

DEATH TO BE VERIFIED BY THE DEATH CERTIFICATE IN THE SLED FILE;
(5) WHAT CHARGE AND MENS REA WERE SUBMITTED TO THE PETIT JURY;
(6) WHETHER THE TRIAL COURT OR PROSECUTOR CHANGED THE THEORY OF
THE CASE; (7) WHETHER ANY AMENDMENT OCCURRED UNDER § 17-19-100;
(8) WHETHER THE ALLEGED CONSTITUTIONAL ISSUES WERE PRESENTED TO
AND DECIDED BY THE COURTS IN THE PRIOR GENTRY LITIGATION; AND (9)
WHETHER THE DNA PROCEEDING'S LOWER-COURT RECORD CONTAINS AN ORDER
OR RULING SUFFICIENT FOR RULE 247 REVIEW. WITHOUT THE ORIGINAL
INDICTMENT, THE COURT WOULD BE ASKED TO DECIDE A CONSTITUTIONAL
CHARGING QUESTION WITHOUT THE CHARGING INSTRUMENT ITSELF. THAT
WOULD BE PARTICULARLY INAPPROPRIATE WHERE THE CLAIMED DEFECT IS
FACIAL AND TURNS ON THE WORDS SELECTED BY THE GRAND JURY.

**X. RULE 247 APPENDIX AND REQUEST FOR AN EXTENSION OF
TIME:**

RULE 247 GOVERNS REVIEW BY PETITION FOR WRIT OF
CERTIORARI OF A FINAL ORDER GRANTING OR DENYING DNA TESTING. THE
COURT HAS DIRECTED THE FILING OF AN APPENDIX. THE PRIOR WORKING
RECORD INDICATES THAT THE COURT'S SEPTEMBER 2026 ORDER TREATED
THE AUGUST 3rd. FILING AS A TIMELY RULE 247(c) PETITION AND
REQUIRED AN APPENDIX WITHIN THIRTY DAYS. RULE 247(e) CALLS FOR
THE ENTIRE LOWER-COURT RECORD, THE FINAL ORDER, AND AN INDEX IN
THE PRESCRIBED FORM. THE PETITIONER CANNOT PREPARE A COMPLETE AND
RELIABLE APPENDIX WHEN THE CUSTODIAN DESPITE NUMEROUS WRITTEN
REQUESTS, POTENTIALLY COMPROMISED BY THE ATTORNEY GENERAL'S
OFFICE AS USUAL JUST LIKE THEY PREVIOUSLY DID THE S.C. OFFICE OF
COURT ADMINISTRATION TO PREVENT AND OR DELAY THE RELEASE OF THE
TRIAL TRANSCRIPT, HAS NOT SUPPLIED THE ORIGINAL INDICTMENT AND
OTHER RECORD MATERIALS NECESSARY TO ESTABLISH THE ISSUES RAISED
IN THE PETITION. THE REQUESTED EXTENSION THEREFORE CONCERNS THE
COURT'S ABILITY TO REVIEW AN ACCURATE RECORD, NOT AN ATTEMPT TO
DELAY THE PROCEEDING. PETITIONER RESPECTFULLY REQUESTS THAT THE
APPENDIX DEADLINE BE EXTENDED AND RESET TO (30) DAYS AFTER THE
COURT ENTERS ITS ORDER ON THIS MOTION, OR SUCH OTHER DATE AS THE
COURT DETERMINES. PETITIONER FURTHER REQUESTS THAT THE COURT
DIRECT THE CUSTODIAN TO PRODUCE THE REQUESTED DOCUMENTS PROMPTLY

SO THAT THE APPENDIX CAN BE PREPARED WITHOUT FURTHER MOTION PRACTICE.

XI. PRESERVATION OF THE CONSTITUTIONAL ISSUES:

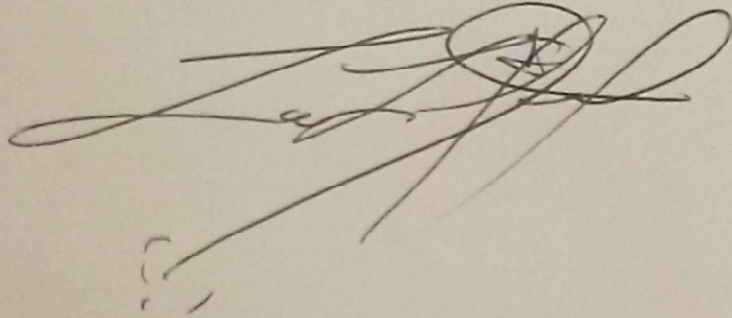
THE PETITIONER PRESERVES, FOR REVIEW ON THE ACTUAL RECORD, THE CONTENTION THAT BOTH THE NAMES OF YAHDIRA OVERSTREET-U-DEEN APPEAR ON THE FACE OF THE DNA APPLICATION FOR WHICH THERE IS NO SEVERANCE ORDER VIOLATING DUE PROCESS, ESTABLISHING STANDING FOR BOTH TO BRING THE CAUSE EVEN FOR CLAIMS OF BACKWARDS LOOKING ACCESS TO THE COURTS CLAIM INVOLVING THE COUNTIES AND STATE ACTORS, THE CONTENTION THAT THE ALLEGED INDICTMENT LANGUAGE MAY IMPLICATE: (A) THE GRAND-JURY'S CONSTITUTIONALLY LIMITED CHARGING FUNCTION; (B) THE PRESUMPTION OF INNOCENCE AND PROOF-BY-A-REASONABLE-DOUBT REQUIREMENT; (C) THE RIGHT TO BE TRIED ON THE CHARGE ACTUALLY RETURNED BY THE GRAND JURY; (D) THE PROHIBITION AGAINST CONSTRUCTIVE AMENDMENT; (E) THE LIMITS IMPOSED BY S.C. CODE ANN. §§ 17-19-10, 17-18-20, 17-19-30 AND 17-19-100; (F) ARTICLE 1 § 11, ARTICLE 1 § 12, ARTICLE 1 § 3 OF THE SOUTH CAROLINA CONSTITUTION; (G) THE DUE PROCESS CLAUSE OF THE 14TH. AMENDMENT; AND, TO THE EXTENT APPLICABLE ON THE FACTS ESTABLISHED BY THE RECORD, (H) DOUBLE-JEOPARDY PROTECTIONS. PETITIONER FURTHER PRESERVES THE ARGUMENT THAT ANY PRIOR DECISION RELYING SOLELY ON GENTRY'S DISTINCTION BETWEEN INDICTMENT SUFFICIENCY AND SUBJECT-MATTER JURISDICTION SHOULD NOT BE TREATED AS HAVING ADJUDICATED A MATERIALLY DIFFERENT CONSTITUTIONAL QUESTION UNLESS THE RECORD DEMONSTRATES THAT THE CONSTITUTIONAL CHARGING-FUNCTION ISSUE WAS ACTUALLY PRESENTED AND PROPERLY DECIDED WITHOUT FRAUD, COLLUSION OR OBSTRUCTION OF JUSTICE.

CONCLUSION:

FOR THESE REASONS, PETITIONER RESPECTFULLY REQUESTS THAT THE COURT ORDER PRODUCTION AND TRANSMISSION OF THE ORIGINAL INDICTMENT AND COMPLETE DNA TESTING RECORD; AND EXTEND AND RESET THE RULE 247 APPENDIX DEADLINE TO THIRTY (30) DAYS AFTER THE COURT'S RULING ON THE MOTION. PETITIONER FURTHER

REQUESTS ANY AND ALL OTHER RELIEF THAT THE COURT WOULD DEEM JUST,
FAIR AND PROPER.

RESPECTFULLY,
LAWRENCE L. CRAWFORD AKA
JONAH THE TISHBITE

A handwritten signature in dark ink, appearing to be 'Lawrence L. Crawford', with a large, stylized flourish at the end.

SEPTEMBER 19, 2026

SE HISTORY FOR CASE 2013CP4000084

9/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMFDEF - Affidavit of Facts Seeking to File Objections to Counsel Sub added to Roster: 1472 - MOTION ROSTER SEPTEMBER 26, 2019 COURTROOM 3-B Roster Begin Date 2019-09-26 - End Date 2019-09-26
10/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMFDEF - Motion For Default and Judgment removed from Roster: 798 - Lawrence Crawford Motions Roster Begin Date 2015-05-01 - End Date 2015-05-01
12/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMFDEF - Motion For Default and Judgment added to Roster: 1472 - MOTION ROSTER SEPTEMBER 26, 2019 COURTROOM 3-B Roster Begin Date 2019-09-26 - End Date 2019-09-26
12/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMSTAY - Affidavit of Facts Seeking to File Objection to Defendants' removed from Roster: 798 - Lawrence Crawford Motions Roster Begin Date 2015-05-01 - End Date 2015-05-01
1/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMSTAY - Affidavit of Facts Seeking to File Objection to Defendants' added to Roster: 1472 - MOTION ROSTER SEPTEMBER 26, 2019 COURTROOM 3-B Roster Begin Date 2019-09-26 - End Date 2019-09-26
8/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMFINJ - Affidavit of Facts to File Objections Opposing Defendants No removed from Roster: 798 - Lawrence Crawford Motions Roster Begin Date 2015-05-01 - End Date 2015-05-01
8/20/2019	12:00 AM	C40ABORER recorded the following Case Note: Motion MMFINJ - Affidavit of Facts to File Objections Opposing Defendants No added to Roster: 1472 - MOTION ROSTER SEPTEMBER 26, 2019 COURTROOM 3-B Roster Begin Date 2019-09-26 - End Date 2019-09-26
8/29/2019	2:24 PM	Filing recorded: Letter/Exhibits
9/3/2019	12:00 AM	C40AHENLEY recorded the following Case Note: Affidavit of facts giving judicial notice; writ of error motion to challenge Judge Newman, McLeod and the SC Court of common pleas jurisdiction.
9/3/2019	12:00 AM	C40AHENLEY recorded the following Case Note: Affidavit of facts giving judicial notice; writ of error motion to challenge Judge Newman, McLeod and the SC Court of common pleas jurisdiction. (documents received by Judge Newman)
1/31/2020	10:13 AM	Filing recorded: Service/Certificate Of Service
1/31/2020	10:14 AM	Filing recorded: Affidavit/Affidavit of Facts
3/20/2020	1:59 PM	Filing recorded: Letter/Requesting Attachments be Sent to Judges
4/17/2020	9:06 AM	Filing recorded: Affidavit/Affidavit of Service
8/6/2020	9:57 AM	Filing recorded: Affidavit of Facts Giving Judicial Notice; Challenging the C
8/6/2020	12:00 AM	C40DMCDANI recorded the following Case Note: Affidavit of Facts Giving Judicial Notice; Challenging the Challenging the Courts and Judges Jurisdiction: Motion to Vacate all Orders in the Cases Captioned
11/10/2020	12:00 AM	C40DMCDANI recorded the following Case Note: Statement of Facts Giving Judicial Notice; Motion for Recusal; Petition to Remove and Motion to Motion Therefor
11/10/2020	2:30 PM	Filing recorded: Statement of Facts Giving Judicial Notice; Motion for Recusa
11/10/2020	2:30 PM	Filing recorded: Service/Certificate Of Service
11/7/2022	2:30 PM	Filing recorded: Affidavit Of Service
3/15/2023	12:30 PM	Filing recorded: Affidavit of Facts Giving Judicial Notice

Print Date: 04/14/2023
 Print Time: 9:25:40AM
 Requested By: C40TMONTGO

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 27 2026

SC Court of Appeals

CASE DOCKET NO. 2025-001856

APPEAL FROM KERSHAW COUNTY
THE COURT OF GENERAL SESSIONS

APPLICATION FOR FORENSIC DNA TESTING
CASE NO. 2004-GS-28-0385

LAWRENCE L. CRAWFORD,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

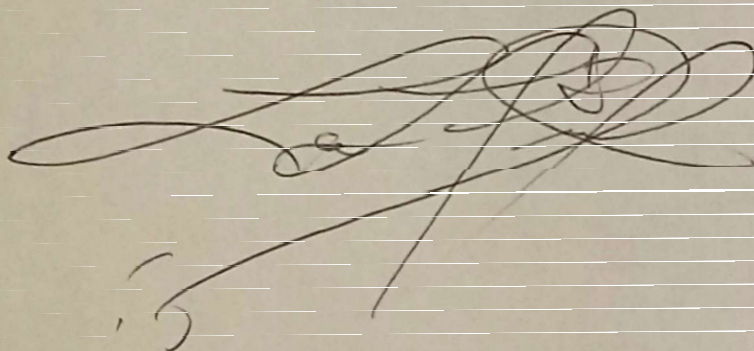
AFFIDAVIT OF SERVICE

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 SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PROTECTIVE MOTION TO WAIVE OR RELAX THE

REQUIREMENT TO ATTACH A WRITTEN FINAL ORDER THAT WAS NEVER ENTERED OR COPY OF THE INDICTMENT; ALTERNATIVELY, TO EXTEND THE APPENDIX DEADLINE AND CLARIFY THE RECORD AND MOTION TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS AND ALL INVOLVED PARTIES, BY PDF OR U.S. MAIL POSTAGE PREPAID, BY PLACING IT IN THE INSTITUTION MAILBOX ON OCTOBER 27, 2026.

RESPECTFULLY,

LAWRENCE L. CRAWFORD

A handwritten signature in dark ink, appearing to be 'L. Crawford', with a large, stylized flourish extending from the end of the name.

OCTOBER 27, 2026

RECEIVED

Oct 27 2026

SC Court of Appeals

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 2005-001856 FILING MOTION REGARDING THE APPENDIX AND
RELATED MATTERS.

TO: THE S.C. COURT OF APPEALS,

ATTACHED IS A PLEADING NEEDED TO BE FILED WITHIN THE
ABOVE CAPTIONED CASE FOR ADJUDICATION. THANK YOU IN ADVANCE.
STILL REMAIN,

RESPECTFULLY,
LAWRENCE L. CRAWFORD

OCTOBER 27, 2026