Exhibit A

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

RECEIVED
NOV 17 2026
S.C. SUPREME COURT

A TRUE COPY
Lex. Co. C.C.P., G.S. & F.C.

Exhibit B

DOCKET NO. 99-GS-32-814

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1999

WITNESSES

WCPD

Amodio

ARREST WARRANT NUMBER

F-607505

ACTION OF GRAND JURY

TRUE BILL

Jesse R. Rhodes

Foreperson of Grand Jury

Date: 2/22/99

VERDICT

GUILTY

Frank M Tyler

Foreperson of Petit Jury

Date: 9/21/01

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. Co. C.C.C.P., G.S. & F.C.

Exhibit C

WITNESSES

WCPD

Amodio

ARREST WARRANT NUMBER

F-607504

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-32-813

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

FEBRUARY **TERM 1999**

THE STATE

vs.

HEYWARD LEON ROGERS

CDR# 95

Indictment for

KIDNAPPING
§16-3-910

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co., S.C. & F.C.

Exhibit B

Title 14 - Courts

CHAPTER 5

Circuit Courts

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.

COUNTY OF Lexington

IN THE COURT OF COMMON PLEAS

Hayward L. Rogers, 278516
Plaintiff(s)

vs.

South Carolina
Defendant(s)

CIVIL ACTION COVERSHEET

2026-CP-32-03210

Submitted By: Hayward L. Rogers
Address: Broad River C.I.
4460 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)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199)

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)

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)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☑ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

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)

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 (510)
- ☐ 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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FORM 5

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

County of Lexington)

Howard L. Rogers, #278510.)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
2026 JUL 29 AM 11:43
LEXINGTON COUNTY
CLERK OF COURT

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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I.C.S. & F.C.

(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) L.S.L. 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 916

ii. (Ct. App. 2004)

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A.

(b) _____

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(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 Jury 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 Carolin Court of Appeals

ii. Lexington County Court of Common Pleas

iii. S.C. Supreme Court - P.C.R. Appeal.

iv. _____

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(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.

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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? William y. 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.

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

Vacate the Conviction and Sentence
Reverse and Remand for new Sentencing

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

No.

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Lexington)

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, 2026.

Notary Public (L.S.)

My Commission Expires: 8/31/2026

A TRUE COPY
Lex. Co. C.C.C.P., G.S. & F.C.

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:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Hayward Rogers
Applicant

SWORN or affirmed to and subscribed before me this 20 day of July, 2026

Rachelbers
Notary Public

My Commission Expires: 8/20/2026

A TRUE COPY
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	2026CP32-03210 Memorandum of Law
V.	In Support of Motion For After/Newly Discovered
State of South Carolina, Respondent.	Evidence of Post Conviction Relief Application

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 Laws as set

TRUE COPY

"As the Court of General Sessions, Convened in February, 1999 The Grand Jurors of Lexington Count present upon their oath:
as presented above, there is a very peculiar difference between the indictment and the statute of S.C. Cod 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 Count "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

February to apply, it could have included such Languag. However, to the effect if the Legislature intended the statute to apply to certain proceedings it could have done so by ~~[illegible]~~ including such Langua Applicant, being within the framework established by th 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 ~~auth~~ 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) The Solicitor failed to follow proceedures 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. 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 be not held, or the Solicitor Requests that a week of

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 establishe above, the Solicitor violated the Administration of Justice, By Wrongfully imparneling its Grand Jury outside the Color of the Law set forth in S.C. [redacted]. 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 Bill of indictment through presiding Judge of the Court of General Sessions for a Grand Jury imparneled 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 th administration of Justice. the Solicitor unlawfully imparneled 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

pursuant to Hayden v. State, 278 S.C. 610 (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 unlawfull 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 Tilly v. State, 511 S.E.2d 689 (S.C. 1993), as a matter of law.

A TRUE COPY

Lex. Co. C.C.C.P. G.S. & F.C.

Respectfully Submitted

1.16.2.24

STATE OF SOUTH CAROLINA
COUNTY OF Lexington

IN THE COURT OF COMMON PLEAS
Case no 1999-S-32-81381819

FILED
2026 AUG -6 AM 8:46
LISA COMER
CLERK OF COURT
LEXINGTON S.C.

2026-CP-32-03210

Hayward L. Rogers, 278510
Applicant,

vs.

State of South Carolina,
Respondent,

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR AFTER/NEWLY DISCOVERD EVIDENCE OF POST CONVICTION RELIEF APPLICATION

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~~ the meaning of the language as it is used in the particular context, Robinson v. Shell Oil Company. 117 S.Ct. 843 (1997), Article 12section 2 utilizes the word "Shall" ismandatory. Nowhere in ~~is~~ 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 to apply to certain proceedings it could have done so by including such language. Applicant being within 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 (1926). As such which analysis (term of court) very similer 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

The Applicant argues 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 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

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 proscutorial 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 limition 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, 1999

H.F.

Date: July 20. 2026

Respectfully Submitted

Maynard L. Bogard

SECTION 17-27-45. Filing procedures for post-conviction relief applications.

(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

(B) When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.

(C) If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

HISTORY: 1995 Act No. 7, Part II, Section 40.