

State of South  
Carolina

vs.

William T. Watts II

Warrant # 2012A3220800040

**RECEIVED**  
MAY 23 2014  
SC Court of Appeals

## Notice of Appeal

I William T. Watts II am giving notice of my appeal. On May 5, 2014 a competency hearing was held at Lexington County Judicial Center before Judge Kesley. I am appealing the decision of not competent and the order to send me to Just Care (the SC Mental Health Facility). This appeal is based on the Fourteenth Amendment to the United States (Due Process Clause, Equal Protection Clause), Sixth Amendment to the United States Constitution (right to a speedy and public trial, to have compulsory process for obtaining witnesses, and to have the assistance of counsel for his defence), First Amendment to the United State Constitution (Freedom of speech), and Eight Amendment to the United States Constitution (cruel and unusual punishment, excessive bail).

I, William T. Watts II, have been x-ray'd more than 70,000 times by Lexington County Sheriff's Department (LCSD) using a drone (remote-controlled plane). LCSD is using the drone everyday all day on everyone in Lexington County Detention Center (LCDC). On 5-11-14 I was x-ray'd around 165 times. The State is abusing the legal process to prevent me from talking about the x-ray drone and using the fact that LCSD is harassing and trying to kill me with x-rays and South Congaree Police Department (SCPD) is harassing me and trying to kill me or imprison me. LCDC is throwing away some of my mail, I can not get in touch with my family or file a subpoena in federal court for evidence from the FBI.

On 5-5-14 I attended a competency hearing. I was not allowed to speak, at the end of the hearing I objected on my constitutional right to due process. Judge Kesley stated that I was not competent and that I did not have any rights. Then Judge Kesley left the court room and I was forced to leave to prevent me from making any more objections. I am presenting my objections now and requesting oral arguments.

## FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION DUE PROCESS CLAUSE

It is manifest it was not left to the legislative power to exact any process which might be devised. The due process article is a restraint on the legislative as well as on the executive and judicial powers of government, and can not be so construed as to leave congress free to make any process "due process of law" by its mere will. *Murray's Lessee v. Hoboken Imp. Co.*, 18 How (59 U.S.) 272, 276 (1855). The solicitor has violated the Brady / Giglio doctrine of due process by not producing evidence that LCSD is using a x-ray drone on me. This evidence would prove I am telling the truth and impeach Dr. Horsely's testimony claiming the my belief is not based in reality. "Impeachment evidence, as well as exculpatory evidence, falls within the Brady rule. Such evidence is "evidence favorable to an accused, so that, if disclosed and used effectively, it may make the difference between conviction and acquittal." *United States v. Bagley*, 473 U.S. 667, 676 (1985). The individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." *Kyles v. Whitley*, 514 U.S. 419, 437 (1995).

"The Brady doctrine, in its purest form, is the rule of law that the Due Process Clause is violated when the government achieves a conviction through the use of perjured testimony, or by withholding a confession of guilt by someone other than the accused, or by withholding evidence so clearly support of a claim of innocence that it gives the prosecution notice of a duty to produce." *United States v. Presser*, 844 F.2d 1215, 1281 (6<sup>th</sup> Cir. 1988). The suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

"When the reliability of a given witness may be determinative guilt or innocence, nondisclosure of evidence affecting credibility falls within the general rule of Brady." *Giglio v. United States*, 405 U.S. 150, 154 (1972). The Brady/Giglio doctrine applies to a hearing because "the fourteenth Amendment protects an accused throughout the proceedings bringing him to justice." *Hill v. Texas*, 316 U.S. 400, 406 (1942). The decision of not competent and the order to send me to Just Care must be reversed because my right to due process was violated.

## Equal Protection Clause

The State has violated my right to equal protection by refusing me to confront the witness against, to call witness, to have a fast and speedy trial, to have Due Process, to have a competent lawyer or to represent myself, and my right to freedom of speech because I have been diagnosed with a mental illness. Conventional equal protection principles apply to mental capacity, *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985). I was proven to understand the court system. I am proving it again with this appeal. I meet Constitutional requirement to continue to trial. Refusing to find me competent because I have thoughts contrary to the beliefs of the State or that my thoughts will interfere with my trial is irrational and stereotypic. The Equal Protection Clause requires a minimum rationality in government, a constitutional principle that may invalidate state action on the basis of "stereotypic notions." *Mississippi University for Women v. Hagan*, 458 U.S. 718, 725 (1982). Dr. Harsely's opinion is solely based on my statement that I am being x-ray'd and her assumption that is not reality. Her opinion can be indicted when it is based on crude, inaccurate process. Judge Kesley's decision of not competent and his decision on my

objection, that I don't have don't have any civil or constitution rights. Is "more primitive than torture" because it involves the "total destruction of the individuals status in organized society." *Trop v. Dulles*, 356 U.S. 86 (1958) and is clearly irrational, crude and inaccurate. No other mentally ill person has received such a ruling and our justice system requires not only freedom from any bias against the accused, but also from any prejudice against his prosecution. Between him and the state the scales are to be evenly held." *Hayes v. Missouri*, 120 U.S. 68, 70 (1887)

### First Amendment to the United States Constitution

I have been prevented from effectuating my freedom of speech. I have not been allowed to speak in court on the record because the State disapproves of the subject matter, x-ray drones and the domestic spy program conducted by the police. The State has erroneously found my thought that I am being x-ray'd to be a mental illness and has committed me to Just Care. This is an attempt to control my thoughts. "First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of thought." *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002) at 253.

Sixth Amendment to the United States Constitution  
Right to a speedy and public trial, by an impartial  
jury of the State and district

I have been denied a speedy and public trial for 20 months, because the State refuses to allow me to subpoena evidence or produce or produce evidence in accordance with discovery. I asserted my right for a speedy trial the 1<sup>st</sup> time I met with my lawyer around Oct. 1, 2012. I have not received a bond reduction hearing or a hearing to dismiss.

Compulsory process for obtaining witnesses in his favor.

I have repeatedly asked for the FBI. I asked for the FBI to be subpoenaed on Jan. 22, 2013 in court before Judge Newman. I sent a motion for subpoena with the cease and desist motion that was used in my competency hearing.

Assistance of Counsel

My lawyer Elizabeth Fullwood is ineffective. I have complained to the lawyer commission of conduct. I am never given an opportunity to remove her in court. I sent a motion to remove her with the cease and desist motion that was used in my competency hearing. My lawyer is working against me, she refuses to subpoena the FBI. She refuses to appeal or defend me in court.

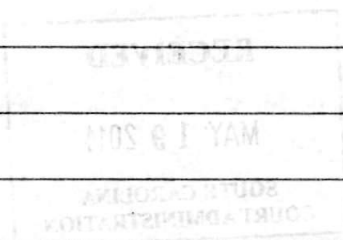
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She read my lawsuit I filed in federal court which stated that my story "contained sufficient factual matter, accepted as true, to state a claim that is plausible on its face."

The right to trial by jury in criminal cases was such a fundamental feature of the American system of justice that it was protected against state action by the Due process clause of the fourteenth Amendment." Duncan v. Louisiana 391 U.S. at 147-158

Eight Amendment to the United States Constitution  
EXCESSIVE bail

I do not have a bond. Bail has been denied for 20 months. My ineffect lawyer refuses to request a bond reduction hearing. She is refusing to get a bond reduction hearing to prevent me from speaking in court.



## Cruel and unusual punishment

1. I am being x-ray'd by LCSD. X-rays cause cancer and are causing me to experience physical illnesses (headache, diarrhea, stomach pain, back pain, joint pain) and mental anguish. This is degrading to human dignity.

2. I am being arbitrarily punished. I have not been found guilty.

3. Society rejected the unregulated use of x-rays in the 1960's.

4. Causing cancer and pain and anguish are patently unnecessary.

"The four principles by which we may determine whether a particular punishment is cruel and unusual." *Furman v. Georgia*, 408 U.S. 238 (1972)

## Conclusion

I am being held prisoner without bail, an EFFECTIVE lawyer, access to the court, access to my family, and without evidence in my favor.

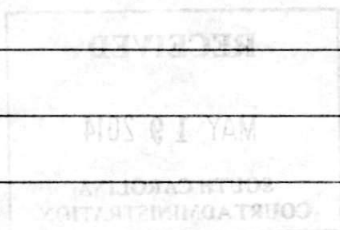
The jail is not mailing my letters. I have gotten lucky to get the mailout that I have but the majority of mail is not going out. I sent a letter removing my ineffective attorney on or around Oct. 15, 2012, a letter to the ACLU in New York on or around Dec. 1, 2012, a letter to federal court to subpoena evidence in my favor on or around Jan. 14, 2013, a letter to the United States Supreme Court on or around Jan. 1, 2013, and a lawsuit to Lexington County Court on or around Feb. 29, 2013 and to my mother on May 7, 2014. The jail states that the United States Postal Service is causing the mail problem. The jail has not provided any other access to court. I am requesting oral arguments to better articulate my appeal and to remedy my civil and constitution rights violations. I am requesting the FBI as a witness on my behalf. I am requesting the decision of not competent to be reversed. I am requesting due process. I am requesting a cease and desist to the use of the X-ray drone.

I am requesting a fast and speedy trial, I am making a complaint about the abuse of process,

The judge, solicitor, and my lawyer are working together to violate my civil and constitutional rights. The correct process or due process is to subpoena the FBI. I am requesting the FBI during my next court appearance.

I hope that the court believes protecting people from abuse is paramount.

I am requesting my indictment be dismissed, and my release from jail.



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### Proof of Service

I, William T. Watts, certify that I served  
the Notice of Appeal on the solicitor by  
depositing 1 copy in the U.S. mail, postage  
paid, address Office of the Attorney General,  
PO Box 11549, Columbia, SC, 29211.

This day May 14, 2014.

William T Watts II

William T Watts II 90124

LCDC A-8

PO Box 2019

Lexington SC 29071

