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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge
Edward W. Miller, Circuit Court Judge

Case No. 2013-CP-23-01440

State of South Carolina, and Edward W. Miller Presided Judge, ...
.....Respondent(s),

Vs.

Jose Alberto Maldonado,Appellant.

CERTIORARI TO REVIEW POST - CONVICTION RELIEF ACTION

THAT, THE APPELLANT REFILE THE RULE 243 (c): & 211(b)(2) OF THE SOUTH CAROLINA APPELLATE COURT RULES. I HAVE BEING PROVIDE A WRITTEN EXPLANATION AS TO WHY THIS DETERMINATION WAS IMPROPER. I WOULD SHOW TO THIS HONORABLE SUPREME COURT. HOLDINGS AS FOLLOWS:

Enclosures: (1) ; Attachment: (25) & (3) Extras Pages: (28)

Cc: File June 12, 2014.

Pages (I-of-VI)

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State of South Carolina, and Edward W. Miller presided Judge, ...
.....Respondent(s),

v.

Jose Alberto Maldonado,Appellant.

REFILE RULES 243(c, d): 211(b)(2)
CORRECTION OF TYPOGRAPHICAL ERRORS & MISSPELLINGS.
OF THE APPENDIX Pages [I-of-V]

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
Columbia, South Carolina 29211

Karen C. Ratigan,
Assistant Attorney General
Post Office Box 11549
Columbia, S.C. 29211

Respectfully Submitted

/s/ Jose A. Maldonado

I. Appellant, I/D#: 312648 MB/Rm., 59
Kershaw, Corr. Inst.
4848 Goldmine Highway
Kershaw, S.C. 29067

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

THE STATE OF SOUTH CAROLINA
vs. JOHN W. WILSON

Appeal from the Circuit Court of
the County of _____

Case No. 213-CR-23-0140

JOHN W. WILSON, Defendant,
vs. THE STATE OF SOUTH CAROLINA, Plaintiff.

1

Appeal from the Circuit Court of the County of _____

THE STATE OF SOUTH CAROLINA
vs. JOHN W. WILSON

JOHN W. WILSON
Attorney for Defendant

THE STATE OF SOUTH CAROLINA
Attorney for Plaintiff

JOHN W. WILSON
Attorney for Defendant

I N D E X

Transcript of the [Sentencing].....1
Transcript of the [Guilty Plea].....2
Application For Post-Conviction Relief.....3
Return to the Application.....4
Transcript of the Post-Conviction Relief.....5
Order of Dismissal.....6
Clerk of Court Records.....7
South Carolina Department of Corrections Records....8

REFILE

EXPLANATION WAS REQUIRE
CONTENT OF APPENDIX(S)
RULE 243(c)(f)(SCACR)

Notes: Appendix(s).....Pages :

1. Appendix of Transcript of The Sentencing.....(1-of-10)P.;
2. Appendix of The Guilty Plea.....(1-of-21)P.;
3. Appendix of (3rd PCR. Act) Application; include the indictments with two diferent dates, PLEAD AGREEMENT,(DOC.24/DOC.15)...[1], ... (1-of-45);...(&),.....(1-of-15)P.;
4. Appendix of Return To the (3rd PCR. Act.) See, the Applicant is RESPONDENSE TO RESPONDENT'S MOTION): DENYING MOTION FOR DEFAULT/RETURN TO MOTION TO ALTER OR AMEND THE ORDER DENYING THE MOTION FOR DEFAULT/ORDER DENYING MOTION TO ALTER OR AMEND: AND RETURN AND MEMORANDUM IN SUPPORT OF "MOTION FOR SUMMARY JUDGMENT," Hereby this Motion the lower Court Failed to Ruling it, And this Explanation ... was require to the S.C. Supreme Court To review the Summary Judgment, from the State,..(1-of-115)P.;
5. Appendix of Transcript of Post-Conviction Relief. See, the Filed Motion, Was Reply Motion To Defense & Objection For STRIKE THE TRANSCRIPT'S RECORDS, R.12(a)(2)SCRCP; same, this Court failed to answer or ruling was require "Rule 54(b)(c)(SCRCP)"; See, of the (3rd PCR. Act) TRanscript, on Oct. 25, 2013,..(1-of-33)P.;
6. Appendix of ORDER OF DISMISSAL; That, "Explaint of the Motion for Automatic Stay." Was, the lower court failed to ruling the Motion made after 10 days? See is Certificate of Service. Further the Appellant note that, the court never ruling is [three pended Motions]. See, ¶[4,5], this facts,.....(1-of-24)P.;
7. Appendix, to Clerk of Court Records. See "Hereby Appendix,¶[4] and
8. Appendix of SCDC of The Rocords. Those facts against the kershaw is Coordinator, Mrs. Chatherine, was she tried to hold my Legal-Mail. Of the INMATE GRIEVANCE FOR STEP 1. With, Exhibits (A-to-C).....(1-of-11)P.

STATEMENT OF ISSUE ON APPEAL

ISSUE I.

The, Guilty Plead judges did not have properly conveyed "personal jurisdiction" To Accept The Jose A. Maldonado is Guilty Due, To Illegal Obtained criminal indictments actquired through a fraudulent process. Holdings as Follows: APPENDIX, (1, 2, & 3);

I. Claims

2. Claims, After Discovery New Evidence
APPENDIX, 3. (3rd PCR ACT. is Attachment at, P. [2])

1.) FLAWED INDICTMENTS:

1. Notes:

- 2). MULTIPLE GRAND JURY DATES, OR INDICTED;
- 3). State Grand Jury of S.C. Indicted the Jose A. Maldonado on 13 DAY of December, 2005; (SUPERSENDING INDICTMENT) CONVENED IN CONLUMBIA S.C. SHOW ME THE ISSUE DATE OF FEBRUARY 22, 2005; &
- 4). The Appellant Seek[ing] when this indictments had been amend-ed, was the S.C. Code of Laws Clause, 17-19-100 et seq. 44-53-375(C)(2) violated of Consecutive Offense; SC. Const. Art. 1. §11; USC. Const. Amends. 5, 14. See, INBEX's Note 3. Exple-nation have describe in the Plead Agreement. Without's signed see, (DOC.15/DOC.24) facts to compel disclosure. Appxd. ¶[3].

APPENDIX ¶[4]

2. Notes:

- 1). Appellant's Response To Respondent (Motions); WAS been Certi-fied By Notary and mailed on April 24, 2014; Re: Rule 50(f) SCRCP; And RETURN & MEMORANDUM IN SUPPORT OF MOTION FOR "SUM-MARY JUDGMENT". See, the Appendix of the MOTION ISSUE FILED Apr. 17, 2014. It's in Appendix 4. The, Clerk of Court failed to ruled this Motion, and the Motion to Strike, the transcrip-t's record. Rule 12(a), & (f), SCRCP.
- 2). The Return and Motion To Dismiss was being Explaint it to the "lower Court", was clock-Stamped Aug. 15, 2013; Conditional Order of Dismissal was clock-stamped on Aug. 22, 2013. When, Appellant raised the Refiled is Rule 5 (a)[5] SCRCP; RETURN & Response To Motion To Dismiss/Conditional Order of Dismissal/ And also motion Request For Default Judgment/SUPPLEMENTAL AM-ENDMENT OF COMPLAINT, Issue it on Sept, 10 2013 was is in the Same Note of 4. Is Appendix.
- 3). The, Return To Motion To Alter or Amend The Order Denying the Motion For Default, was been clock-stamped on: Jan. 15, 2014. Was, the Appellant show to this Hon: Supreme Court, that the-re is the summary judgment. See the full information incide's APPENDIX ¶[4] 2. Note (1). Were, the Respondents submitted a Motion, from "Inmate is name Michael A. Sarratt, the clerk of court clock-stamped such motion on Dec. 16, 2013; Respondents argued that motion of Rule 59(e) had been clock-stamped with this dated; on July 31, 2013 Appellant Received another Mot-ion with the name Jose M. Maldonado C/A#: 13-CP-23-4132, and they tried to said is my again summary judgment've being sou-ght.

STATEMENT OF ISSUES ON APPEAL
ISSUE II.

Note: APPENDIX ¶[5]

1). The Transcript of the (3rd. PCR. Application) From Oct. 25, 2013 filed Mrs. Karen C. Ratigan, March 14, 2014; through out is Mrs. Margaret A. Woods Circuit Court Reporter without the clerk of court, clock-stamped, issue dated Feb. 10, 2014. Appellant, made his "Reply Motion To Defense & Objection for Strike The Transcript record Pursuant of Rule 12(a)(2) SCRCP; Issued was been presented for this Transcript, was the result is the Motion To Alter or Amend Judgment Rule 59(e), 55(c) (SCRCP): & (SCACR) 501 CODE OF JUD. CONDUCT CANON 3,Subds.(C) (1); & (E)(1)(a)(b);(i-to-iv). See at Page 5,&-6 Issue V. (a) (iv). Appellant argues that the "Transcript had been show of the allegations for a statements in this facts were this judge refused to see Appellant is Motion for Default, and the court quickly rejected to give me more time to argued my case, so this court, ranned the time like (1-to-6) minutes)." See the Filed Motion at thew APPendix,¶ [4]. Facts of Nov. 19-21, 2013/was, Respondent said I was filed on: Dec. 19, 2012. See Appendix ¶[4] Note 3. Facts from Jan. 15, 2014. Entered it.

Note: APPENDIX ¶[6]

1). The Explanation of This Appendix [6] was was is the ORDER (1) & (2) firs's the "Order of issued dated Clock Stamped is Nov. 8, 2013; were this court denied my motion for default on 11-4-2013;the blast facts in this matter is hereby the Order Denying Motion To Alter or Amend. Herebyby this Order to the Hon: Edward W. Miller signed it on Apr. 3, 2014. Denied his own Order from 11-8-2013 was's the Appellant Motion "Rule 59(e) 55(c) SCRCP,& SCACR,501 Code of Jud. Conduct Canon 3(C)(1), & (E)(1)(a)(b) ect., the Edward W, Miller judge wrognly ruling, and denied his own Order issue dated to Nov. 8, 2013. Were, Respondent(s) tried to mislead the right dates from Nov.19-&-21, 2013 was been filed.

Note: APPENDIX [7]

1).Appendix of Clerk of Court Records see the Appxd. ¶[4]; and

Note: APPENDIX Y[8]

1). The Explanation of this Appendix, ¶[8] shw that, Inmate Grievence Form Step 1. Have been submitted against the Mail-Room. In the matter, of Coordinator, illegal hold my legal mail;and didn't deliver it in time. So, that against policy. Appellant submitted upon the lower court argued those facts,and him had been proved the File Rule 59(e) with the Reply Motion To Lack Merit or Is Untimely; SC. Clerk of Court Manual § 6. 24; & R. 12(a),(b)(5). See the Appendix ¶[4] Records on Appeal.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Records on Appeal:

1. The Letter Ordering Transcript From Court Reporter. Filed on June 3, 2014
2. The Notice of Appeal; Filed it on may 28, 2014. The Appellant is Refile this Notice of Appeal; against of Explanation in Rule 243(c) within 30 days. Was SC Atty. Gen., Office; granted this time. And fall to answer the ("[t]hree Motions? Either, the Greenville County Circuit Court, failed to made any finding in accordance with the S.C. laws to compel disclosure Quoting is the Summary judgment, Motion for Automatic Stay. See, Page II, of Note ¶(6). When this claims had been raised. Holdings, as Follows:

Notes:

3. Order Denying Motion For Default Clock-Stamped On Nov. 8, 2013. This, Judgment has been signed the Hon: Edward W. miller, On Nov. 4, 2013.
4. Return To Motion To Alter or Amend The Ordewr Densing The Motion For Default judgment. (Appellant, Addressed the Rule 59(e) SCRPC, in this
5. Order Denying Motion To Alter Or Amend Clock-Stamped April 9, 2014. was the judgment has been entered 4/3/2014; Final Order Of Mismissal entered on 5/1/2014, was been signed on April 29, 2014.
6. The Motion For Automatic Stay. Was, filed to SCDC GENERAL COUNSEL, And Received it, From Appellant May 14, 2014. When, the Lower court didn't answer my "clock-stamped" Motions from the Greenville County. Issue Filed on May 12, 2014.

I Certify that this designation contains no matter which is irrelevant to this Appeal.

In Regarding to the Final Order of Dismissal that had being Attached, and filed to this Hon: SC. S.Ct. to review the judgments and Considering the facts was been presented before this court in the Greenville County's Courthouse, and the lower court ignore the (3rd. PCR.Act) is Grounds, For the Relief have being sought. Petitioner, Submit the (3rd PCR) Application, to "Review of his Indictments, Because, this papers show nulo & void.

See, The Refiled: (CONCLUSION) AT THE NEXT PAGE VI.

WAS EXPLANATION OF RULE 240 (a)(b)(c), And (g)(h), SCACR.: See, At; Al-Shabazz V. State, 338 S.C. 354, 365, 527 S.E.2d at 748.

A final judgment in a PCR ACTION Must be timely appealed, and it is filed in the Supreme Court as a Petition for a Writ of Certiorari. SC. Code Ann. § 17-27-100 (Supp. 1985); Rule 71.1(f), SCRPC ; Former Rule 227, SCACR. Now applied Rules 243 SCACR, an indigent Applicant has a right to be represented an appeal by court appointing counsel. Rule 71.1(g), SCRPC: HEREBY, Petitioner, or Appellant; on Oct. 10, 2014 him Certified's Motion to: CROSS-EXAMINATION OF WITNESS & CONFRONTATION WITH THE WITNESSES, by the Six Amendment, Fourteenth Amendments. (Fn.1. Omitted)(quoted Whitehead v. State, 426 S.E. 2d 316, 317 (1992); S.C. Rules of Civ. Proc., Rule 71.1(d), but the lower court failed in answer my filed request in this matter, before the hearing, 10/25/2013; and they rescheduled the hearing by "Rule 59(e)" on: Apr. 1, 2014. Was Appellant again demand his rights to be appointed counsel. But, the judge refused to do so and denied my petition. here by Respondents, applied the judgment. Was that (Applicant voluntarily and contemptuously vacated the courtroom): (Overruling, [as] stated in Prince v. State, 301 S.C. 422, 392 S.E.2d 462 (1990)). (quoting Whitehead v. State, 310 S.C.532, 426 S.E.2d 316-17 (1992)). The, judgment from April 1-9, has not merits to holded Applicant without of counsel, on the "2014." Because, Appellant was not sufficiently aware of dangers of self representation to make informed decision to "pro se". Id., Prince, 301 S.C. 422, 392 E.S.2d 2d 463 (1990); Foster v. State, 298, S.C. 306, S.E.2d 907 (1989) (quoting State v. Sanders, 269 S.C. 215, 237 S.E.2d at 53 (1977)). "Hybried representation", that is representation which is partially pro se, and partially by counsel.

C O N C L U S I O N

That, Appellant's Challenging the circuit court its determination that this action is barred as been successive and/or as being untimely under the statute of limitation. Setting, this arguments to the STATEMENT OF ISSUES ON APPEAL in this Motion, for below. "Penal Statute Against the State" in Favor to Appellant. For the Reason stated, Petition asks the S.C. Supreme Court to grant the Petition for Writ of Certiorari.

Sincerely,
Done this 12 day of June, 2014. /s/ Doc A. M. H. H. H.
VI.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
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Letitia H. Verdin, Circuit Court Judge
Edward W. Miller, Circuit Court Judge

Case No. 2013-CP-23-01440

State of South Carolina, and Edward W. Miller Presided Judge, ...
.....Respondent(s),

Vs.

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Certificate of Service By Mail

I Certify that I have serve the Refile Rule 243(c), (d); & 211 (c)(2), SCACR: CORRECTION OF TYPOGRAPHICAL ERROS AND MISSPELLINGS /OF THE APPENDIX. Issue Filed on 6/3/2014, against the 30 days; Appellant was filed's Notice of Appeal in the Supreme Court. Applied, this Rules at the same time/this Court granted the 20 days, to file a explanation to this Honorable Court. Was, Appellant's limitation have being file upon this Certificate to against both files. By depositing the Refile, copy of it in the United Statas Mail, postage, on This 12 day of June, 2014. And a Copy of it have being serve to the Attorney General Office, of records. Further, Appellant Personally Forward is Original Certificate of SAervice By Mail. To The Following Persons. To:

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
Post Office Box 11330
Columbia, South Carolina 29211

Karen C. Ratigan,
Assistant Attorney General
Post Office Box 11549
Columbia, S.C. 29211

Further The Petitioner Said and Not:

This 12 day of June, 2014.

SWORN TO and SUBSCRIBED Before Me

This 12 day of June, 2014.

Catherine A. Combs

Notary Public For South Carolina

My Commission Expirx: Dec 22, 2014

Respectfully Submitted

/s/ Jose A. Maldonado
Jose Alberto Maldonado, # 312648
Kershaw, Corr. Inst. MB/Rm., 59
4848 Goldmine Highway
Kershaw, S.C. 29067