

The State

v.

William T. Watts II

RECEIVED

JUL 28 2014

S.C. SUPREME COURT

Notice of Appeal

I, William T. Watts II, am being persecuted, harassed, attacked, coerced, threatened, physically, mentally, and emotionally injured, starved, x-rayed more than 100 times a day to give me cancer, held hostage, poisoned, raped, cooked alive, tortured, refused medical and legal help, denied due process, constitutional provisions and civil rights by the State of South Carolina. The State is killing me and EVERYONE around me.

I am giving notice of my appeal to the Supreme Court of South Carolina. I am appealing Appellate Case No. 2014-001149. I requested a rehearing and the Clerk of Court refused to process my "Remittitur - Request For Rehearing" stating that I was represented by counsel. Miller v. State, Jones v. State, State v. Stuckey, Foster v. State in a letter dated July 16, 2014. The appeals court dismissed my appeal on July 2, 2014.

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stating "not immediately appealable", STATE V. WILKSON, STATE V. DINGLE. The appeals court request a memorandum on appealability in a letter dated June 3, 2014. I object to and appeal this process because it violates my right to due process as required by the 14th Amendment of the U.S. Constitution. I preserve my original objection and appeal because my rights including the; 14th Amendment (Due Process Clause, Equal Protection Clause), 1st Amendment (Freedom of Speech), 4th Amendment (Freedom From unreasonable search and seizure), 6th Amendment (Fast and Speedy, Compulsory Process For obtaining witness, and to have Assistance of Counsel For his defense), 8th Amendment (Cruel and unusual punishment, Excessive Bail) and 7th Amendment (Civil Suit) have been violated, denied, and impaired. My right to life, liberty, and the pursuit of happiness have been violated, denied, and impaired. I incorporate, restate, re-allege my "Notice of Appeal", "Memorandum on Appealability", "Remittitur-Request for Rehearing" and my subpoena request that I submitted to the appeals court (case no. 2014-001149). I incorporate, restate, re-allege my previous appeals, lawsuit, objections, and motions (case no. 2012-213650, 2013-000270,

2013-600874, 2013-000177. I incorporate, re-state, re-allege my complaint to the Commission on Lawyer Conduct sent in December 2012. I incorporate, re-state, re-allege my lawsuit, motion to remove my ineffective attorney, subpoena request, Cease and desist order, and Fast and speedy trial request sent to Lexington County Court, 205 E. Main St., Lexington, SC 29071 that have been received before May 5, 2014 but never filed.

My court appointed lawyer is working against me. I have a right to a hearing to prove my lawyer is ineffective and corrupt. I have a right to represent myself at any point of the process bring me to justice, no matter what my mental capacity is, if I can communicate I can represent myself. The State is forcing me to accept State appointed representation which violates my right to liberty. I am asserting my natural, inherent, and absolute rights to independence, self reliance, to protect my life and choose how to defend myself.

I object to the remittitur process because it violates my right to due process. The remittitur process is used to delay and deny appeals to the Supreme Court of South Carolina. It is unitive and degrading, it turns the judicial system

into beggary. I am required to the same level of functioning court and judge. This is not done anywhere else in the judicial system. It is designed to excuse and encourage intentional judicial error in the appeals court. It is used to con people out of their appeal.

The Supreme Court of South Carolina has created a process that allows an ineffective and corrupt lawyer to hold the person represented hostage. The courts, judges, solicitor, police and doctors can do anything the only objection considered is the ineffective lawyer or judicial error. This will maintain the corrupt process and never allow a due process objection to correct the law of the land. This process also prevents me from obtaining the truth in court which is a fundamental part of the pursuit of happiness. I have been prevented from knowing, understanding, or learning about the process, laws, and orders in my own case because the court and my lawyer refuse to give me the information which violates my right to the pursuit of happiness. Wisdom, knowledge and understanding are a fundamental part of decent and dignified humanity.

I must be allowed to appeal, file motions, subpoenas, lawsuits, they are a fundamental part of

a legitimate and valid judicial system and required by the Due Process Clause of the 14th Amendment. As stated my lawyer is ineffective and corrupt. I have not been allowed to remove her. I have not been allowed to remove her. I have not been allowed to file any motions or speak in court. I have not been allowed to cross examine witness against me or call witness on my behalf. The witness against me perjured herself. I meet the mental capability to proceed to trial as was testified to about the mental status exam. The judge was prejudice or purposefully found me incompetent to prevent me from speaking about x-ray drones. The solicitor refuses to produce evidence. The appeals court refuses to allow me to appeal. This situation makes it impossible for me to exercise my constitutional provisions and civil rights and is exactly what the constitution and bill of rights protects people against. I am challenging the process that the State has enacted bringing me to justice.

I have been x-rayed more than 70,000 times by Lexington County Sheriff's Department (LCSO) using a drone. LCSO is using the drone everyday all day on everyone in Lexington County Detention Center

(LCDC) On 6-22-14 I was x-rayed around 116 times. The State is abusing the legal process to prevent me from talking about the x-ray drone and that LCSD is harassing and trying to kill me with x-rays and South Congaree Police Department (SCPD) is harassing me, trying to kill me or imprison me. LCDC is throwing away some of my mail.

On 5-5-14 I attended a competency hearing. I was not allowed to speak, at the end of the hearing I objected that my due process right had been denied. Judge Kesley stated that I was not competent and that I did not have any rights. Then Judge Kesley left court and I was forced to leave to prevent me from making any more objections. I presented my objections in my Notice of Appeal and requested oral arguments. I have never been allowed to speak in court.

Fourteenth Amendment

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 of government and cannot be 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/Biglio doctrine
of due process by not producing evidence that
LCSD is using an x-ray drone on me. This
evidence would prove I am telling the truth and
impeach Dr. Horsely's testimony claiming that 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 confession of guilt by someone
other than the accused, or by withholding evidence
so clearly supportive of a claim of innocence

that it give the prosecution notice of a duty to produce." *United States v. Presser*, 844 F.2d 1275, 1281 (6th Cir. 1988). "The suppression by the prosecutor 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 of guilt or innocence, nondisclosure of evidence affecting credibility falls within the general rule." *Brady, Giglio v. United States*, 405 U.S. 150, 154 (1972). The Brady/Giglio doctrine applies to a hearing, appeal or any judicial proceeding because "the fourteenth amendment protects an accused through out the proceedings bringing him to justice." *Hill v. Texas*, 316 U.S. 400, 406 (1942). Any decision or order that does not produce evidence is appealable because my right to due process is violated. I must receive the evidence. It is my right to see it, read it, understand it, know it, and keep it.

Equal Protection Clause

The has violated the equal protection clause by refusing to allow me to; confront the witness

against me, to call witnesses, have a fast and speedy trial, have due process, have a competent lawyer or to represent myself and to speak in court 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 passed the mental status exam and proved I understand the court system which was testified to by Dr. Horsely. I am proving it again with this appeal. I meet the Constitutional requirement to continue to trial. Refusing to find me competent because I have thoughts contrary to the beliefs of the State or my thoughts will interfere with my trial is irrational and stereotypic. The Equal Protection Clause requires a minimum rationality in government, a constitution principle that may invalidate state action on the basis of "stereotypic notions", *Mississippi University for Women v. Hogan*, 458 U.S. 718, 725 (1982). Dr. Horsely's opinion is solely based on my statement that I am being x-rayed 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 do not

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have constitutional or civil rights. It is "more primitive than torture" because it involves the "total destruction of the individual's status in organized society." *Trop v. Dulles*, 356 U.S. 86 (1958). 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 Freedom of Speech

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-rayed 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 freedom and speech must be protected from government because speech is the beginning of thought." Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002) at 253.

Fourth Amendment freedom from unreasonable search and seizure

I am being x-rayed by LCSD more than 100 times everyday, more than 70,000 times total in the last 2 years. X-rays are invasive search, I can feel it inside my body. The reasonable suspicion standard used to justify the use of the x-rays is unconstitutional. The x-rays have never produced anything illegal or contraband in the jail, to continue using the drone is unreasonable. X-rays cause cancer, it is not reasonable to give me cancer during a search that finds nothing. There is not any search standard that permits physical injury. LCSD is supposedly searching for "drugs" with the drone, drugs are a health and well being concern and laws, the x-rays are doing more damage to peoples health than the supposed drugs would. Unlimited x-rays

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cause cancer and is legal, Drugs cause addiction and are illegal, when cancer is the more serious health concern. It is easy to see how fallacious such an argument is. The law that allows unlimited x-rays is unconstitutional, it violates my right to be safe and my right to life. I demand the stop to the use of x-rays by law enforcement,

Sixth Amendment

Right to a speedy trial and public trial, by an impartial jury, Compulsory process for obtaining witness, Assistance of Counsel.

I have been denied a speedy and public trial for 23 months, because the State refuse to allow me to subpoena evidence or produce evidence in accordance with discovery. I asserted my right for a speedy trial the 1st time I met with my lawyer around Oct 1, 2012, I demand a trial. "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 actions by the Due process clause of the fourteenth Amendment," *Duncan v. Louisiana* 391 U.S. at 147-158 (1968). I am requesting

an order to give me a trial. The Federal Fast and Speedy trial act codifies the 24 month time frame for the 6th Amendment. I want a trial not a dismissal. The State is violating my right to trial and attempting to cover it up by having me found incompetent and will most likely attempt to dismiss the case if I am granted a trial.

Compulsory process for obtaining witness

I have repeatedly requested the Federal Bureau of Investigation (FBI). I asked for the FBI to be subpoenaed on Jan. 22, 2013 in court before Judge Newman. I sent a motion for subpoena for LSD with the cease and desist order that was used against me in my competency hearing. The Appeals court did not process my subpoena of the FBI sent on or around May 19, 2014. I am requesting the FBI to be served an order to appear and a subpoena to produce evidence that I am telling the truth. The State is violating my 6th Amendment right by refusing to file and grant my subpoena, all of the courts have refused.

Assistance of Counsel

My lawyer Elizabeth Fullwood is ineffective and corrupt. I have complained to the Commission on Lawyer Conduct. I am never given an opportunity to remove her. I sent a motion to remove her with the cease and desist order that was used against me on May 5, 2014 during my competency hearing. My lawyer is working against me, she refuses to subpoena the FBI, appeal or defend me in court. She read my lawsuit I filed in federal court which states that my story about persecution "contained sufficient factual matter, accepted as true, to state a claim that is plausible on its face" and she still refuses to collect evidence to prove it. I believe she was investigated by the FBI on or around May 14, 2014, she works for the Irish Republican Army (IRA) or the organized crime that supports the IRA, she intentionally loses or refuses to defend against charges filed by police officers that are part of the IRA or organized crime, in effect helping certain police receive a higher clearance rate, which benefits them for promotions and access to higher profile cases. The State is violating my right to assistance of counsel by appointing me a corrupt and ineffective lawyer and refusing to hold a hearing to remove her. I

I demand to represent myself and to have re-hearings and appeals to correct the damage done and to have the truth. The State is going to use the false mental illness diagnoses against me forever, until I prove I am telling the truth. I can not do that with this lawyer, she is NEVER going to prove that she hasn't done her job. She can not assist me. I am subpoenaing the FBI for the hearing to remove my lawyer to prove my accusations are true.

Eight Amendment

Excessive Bail, Cruel and unusual punishment

I do not have a bond. Bail has been denied for 23 months. I can not be held in jail without trial more than 24 months as stated in the federal law codifies the time that you can be held in the Fast and Speedy trial Act. The State has violated my right to bond/bail and will be violating my right to a zero bail amount or personal recognisance bond on Sept. 6, 2014. The State refuses to give me a bond reduction hearing to prevent me from speaking or having witnesses in my favor and to keep me from court in EVERY way. This violates my right to due process.

Cruel and unusual punishment

1. I am being x-rayed by LCSD. X-rays cause cancer and are causing me to experience physical illnesses (headache, diarrhea, stomach pain, back pain, joint pain) and mental and emotional injuries.

2. I am being arbitrarily punished. I haven't done anything. I am in jail illegally on false charges. LCSD is using the x-rays in retaliation against me for asking for help.

3. Society rejected the unlimited use of x-rays in 1960's. In February 2013 two people were arrested for plotting a terrorist attack using x-rays. Causing cancer is a form of terrorism. Society rejects terrorism.

4. Causing cancer, physical, mental, and emotional pain, anguish and injuries is patently unnecessary. The x-rays are not finding anything illegal or dangerous.

"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 hostage by the State of South Carolina. Any denial or impairment of a right is reversible error. In other words I can appeal to a higher court until I get all of my constitutional provisions and civil rights effectuated.

Step 1. Stop LCSD use of the X-ray drone and file my motions and lawsuit.

Step 2. Hold a hearing to remove my lawyer in which the FBI will testify about her role in organized crime.

Step 3. Hold a competency hearing in which both psychiatrist that testified in both competency hearings and the FBI testify about my competency.

Step 4. Bond hearing in which the FBI and SLED testify about police corruption and involvement with organized crime and persecuting and harassing me about the lawsuit against Remington in which the gun I am accused of using has a manufacturing flaw.

Step 5. Trial in which I get to confront witness against me, have the solicitor produce evidence, have the FBI, SLED, and LCSD testify about everything I have said, especially about the police involvement with the IRA.

I am requesting a hearing, oral arguments,
a CEASE and DESIST ORDER to stop LCSD using
the x-ray drone, DUE PROCESS, Subpoena for the
FBI, SI ED, LCSD, all my constitutional provisions
and civil rights violations reported.

~~William T. Watt II~~

William T. Watt II

7-24-14

Proof of Service

The State

v.

William T. Watts II

I, William T. Watts II, certify that I mailed one copy of the notice of appeal to the solicitor address PO Box 11549, Columbia, SC, 29211 on this day July 24, 2014.

Address

William Watts 90124

LCDC PA-16

PO Box 2019

Lexington SC 29071

William T. Watts II

William T. Watts II

7-24-14