

LETTER TO THE APPELLATE COURT CLERK FILING
THE NOTICE OF APPEAL

October 14, 2014

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
Post office Box 11629
Columbia, South Carolina 29211

RECEIVED

OCT 16 2014

S.C. SUPREME COURT

[The Honorable Daniel E. Shearouse]
Clerk, Supreme Court of South Carolina
Post office Box 11330
Columbia, South Carolina 29211]

RE: The State, Respondent, v. Michel A. Dukes, Appellant, Case No. 2003-
GS-26-3444, 2003-GS-~~26~~-3445, 2003-GS-26-3443.

Dear Ms. Gee [MR. Shearouse]:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) [This appeal is being filed with the Supreme Court because ... (see Rule 203
(d) for when an appeal can be filed with the Supreme Court.)]

Sincerely,

15/ Michel A. Dukes, Jr. #311176
Michel A. Dukes, Jr. #311176
ECI-FI-211-B
610 Hwy 9 West
Bennettsville, SC
29512

Joshua L. Thomas, Esquire
Assistant Attorney General
Post office Box 11549
Columbia, SC 29211 (803) 734-3737

Attorney for Respondent

LETTER TO CLERK OF LOWER COURT FILING NOTICE
OF APPEAL

October 14, 2014

RECEIVED

OCT 16 2014

S.C. SUPREME COURT

The Honorable Melanie Huggins-Ward
Clerk of Court for Horry County
Post Office Box 677
Conway, South Carolina 29528-0677

RE: The State, Respondent, v. Michel A. Dukes, Appellant, Case No.
2003-GS-26-3444, 2003-GS-26-3445, 2003-GS-26-3443.

Dear MRS. Huggins-Ward:

Enclosed for filing is a notice of appeal in the above case.

Sincerely,

15/ Michel A. Dukes, Jr. #311176
Michel A. DUKES, Jr. #311176
ECI-FI-211-B
610 Hwy 9 west
Bennettsville, SC
29512

Joshua L. Thomas, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
Attorney for Respondent

CERTIFICATE OF COUNSEL IN FINAL BRIEF
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM Horry County
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

Case No. 2008-CP-26-489/RE: 2003-GS-26-3445

The State, ... Respondent,
Michél A. Dukes, v.
..... Appellant.

CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief complies with
Rule 211 (b), SCACR.

Date: 10-14-14

/s/ Michél A. Dukes, Jr. #311176
Michél A. Dukes, Sr. #311176
ECI-FI-211-B
610 Hwy 9 West
Bennettville, SC
29512
PRO. SE Attorney for
Appellant

NOTICE OF APPEAL FROM A SENTENCE IMPOSED
BY THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA

IN The Court of Appeals
[In the Supreme Court]

APPEAL FROM Horry County
Court of General Sessions

Edward B. Cottingham, Circuit Court Judge

Case No. 2003 - GS - 26 - 3444
2003 - GS - 26 - 3445
2003 - GS - 26 - 3443

The State, ... Respondent,
V.
Michel A. Dukes, ... Appellant.

NOTICE OF APPEAL

Michel A. Dukes appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Edward B. Cottingham on August 8-9, 2005. [This appeal is taken from the order of the Honorable Edward B. Cottingham, dated August 9, 2005, which denied appellant's motion for a directed verdict.]

Date: 10-14-14

151 Michel A. Dukes^{SR}
Michel A. Dukes^{SR} #311176
ECI-FI-211-B
610 Hwy 9 West
Pennettsville, SC
29512

Other Counsel of Record:
Joshua L. Thomas, Esquire
Assistant ~~Attorney~~ Attorney General
Post Office Box 11549
Columbia, SC 29211

(803) 734-3737

PETITION FOR A WRIT OF CERTIORARI TO THE COURT
OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM Horry County
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

Opinion No. 2007-UP-423
(S.C. Ct. App. filed October 8, 2007)

The State, ... Respondent,
v.
MichêL A. Dukes, ... Petitioner.

PETITION FOR A WRIT OF CERTIORARI

MichêL A. Dukes^{sr.} #311176
ECI-FI-211-B
610 Hwy 9 west
Bennettsville, SC
29512

Other Counsel of Record:

Joshua L. Thomas, Esquire
Assistant Attorney General
Post office Box 11549
Columbia, SC 29211
(803) 734-3737
Attorney for Respondent

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CERTIFICATE OF COUNSEL

Pro. Se Counsel certifies that the petition for Rehearing was made and finally ruled on by the Court of Appeals on November 16, 2007.

QUESTIONS PRESENTED

- 1.) Did the Court of Appeals err by not granting petitioner relief from the denial of the lower court on the motion for a directed verdict of not guilty of trafficking crack cocaine, when the state failed to prove actual or constructive possession?
- 2.) Did the trial court lack subject matter jurisdiction?

STATEMENT OF THE CASE

Horry County grand jurors indicted petitioner for trafficking crack cocaine. Petitioner stood trial during the August 2005 term of the Horry County Court of General Sessions before the Honorable Edward B. Cottingham and a jury. The jury found petitioner guilty as charged, and he was sentenced to 18 years confinement.

This appeal follows.

The Court denied petitioner the motion for a directed verdict of not guilty where the verdict was ~~and~~ consistent with the evidence ~~and~~ ^{based on} ~~figure~~ testimony from a state witness that was charged with the crime of trafficking in crack cocaine.

Petitioner was illegally arrested for a crime of trafficking which violates state Statute 17-13-140, SC Constitution article 1, Section 10, and the 4th amendment of the US Constitution. These violations caused the prejudice towards the petitioner in such that a denial of due process occurred during trial. In petitioner's criminal trial he was denied the fundamental fairness essential to the concept of justice.

The Court of Appeals affirmed the judgment of the circuit court. The State, Respondent V. Michél A. Dukes, Petitioner, O.P. NO. 2007-4P-423 (S.C. Ct. App. filed October 8, 2007). Petitioner seeks a writ of certiorari to review that decision.

ARGUMENT

1.) The Court of Appeals should have granted Petitioner relief from the denial of the lower court on the motion for a directed verdict of not guilty of trafficking crack cocaine, when the State failed to prove actual or constructive possession.

When a motion for a directed verdict is made in a criminal case, the trial judge is concerned with the existence or non-existence of evidence, not its weight. The trial judge should grant a directed verdict motion when the evidence merely raises a suspicion that the accused is guilty. It is his duty to submit the case to the jury if there is any evidence, either direct or circumstantial, which reasonably tends to prove the guilt of the accused, or from which guilt may be fairly and logically deduced. *State v. Irving*, 270 S.C. 539, 243 S.E.2d 195 (1978); *State v. Hendrix*, 270 S.C. 653, 244 S.E.2d 503 (1978).

In reviewing the appeal of a refusal to grant a directed verdict of not guilty, this court must look at the evidence in the light most favorable to the State. *State v. Wharton*, 263 S.C. 437, 211 S.E.2d 237 (1975); *State v. Stewart*, 278 S.C. 296, 295 S.E.2d 627 (1982). (R.P. 84, line 23-25); (R.P. 85, line 1-14); (R.P. 86, line 13-25); (R.P. 86, line 7-21); (R.P. 89, line 1-3)...

In Petitioner's case the evidence is exclusively circumstantial. There was no evidence proving Dukes knew about the cocaine, intended to control its disposition or had authority to do so. The State did not meet its burden. In a prior case dealing with the circumstantial evidence in a criminal context, this court held: where it is undertaken by the prosecution in a criminal case to prove the guilt of the accused by circumstantial evidence, not only must the circumstances be proven, but they must point conclusively - that is, to a moral certainty - to the guilt of the accused; they must be wholly and in every particular perfectly consistent with each other, and they must further be absolutely inconsistent with any other reasonable hypothesis than the guilt of the accused. All of the facts proved must be consistent with each other, and taken together, should be of a conclusive nature and tendency, producing a reasonable and moral certainty that the petitioner and no one else committed the offense charged. It is not sufficient that they create a probability, though a strong one; and if, therefore, assuming all the facts to be true, which the evidence tends to establish, they may yet be accounted for upon any hypothesis which does not include the guilt of petitioner, then the proof fails... [It is not sufficient to establish a probability of guilt arising from the doctrine of chances that the fact charged is likely to be true. See *State v. Manis*, 214 S.C. 99, 51 S.E.2d 370, at 371 (1949).

Petitioner's evidence that he was entitled to a motion for a directed verdict is a warrant under which a defendant was illegally arrested, which was not supported either by oath or affirmation, and the Sheriff had no lawful authority to retain him in custody as such warrant was unconstitutional, null and void. See *State v. Higgins*, (S.C. 1897) 51 S.C. 51, 28 S.E. 15; *State v. Wimbury*, 9 S.C. 309 (dealing with § 22-3-710 which follows: This statutory requirement that all proceedings before a magistrate in criminal cases shall be commenced upon the issuance of a warrant of arrest, cannot be waived; also *Town of Honea Path v. Wright*, (S.C. 1940) 194 S.C. 461, 9 S.E.2d 924 (Criminal Law Key 216). See Attached Exhibit of the unsigned / invalid arrest warrant violating SC State Statute § 17-13-140...

Also see that the fourteenth amendment guarantees a defendant a meaningful opportunity to present a complete defense. (An alternate theory is part of a complete defense). See *California v. Hall*, 41 US 41 (1986) which states that evidence that another person had motive or opportunity to commit the charged crime, or had some remote connection to the victim or crime scene, is insufficient to raise the requisite reasonable doubt... Evidence of alternate party culpability is relevant and admissible only if it links the alternate party to the actual perpetration of the crime....

Petitioner contends that his trial before the Horry County general sessions court was illegal and a nullity, upon the ground that no formal charge was preferred against him, and no warrant was issued setting forth the nature and grounds of the accusation preferred against him, supported by oath or affidavit. Defect in the authority of the court, as in this case, is more fatal than the defect by reason of error on the face of the process. The court had no power or authority to issue the process without information under oath, and without that information its process was no process. It is the constitutional right of a person charged with a criminal offense to be fully informed of the nature and cause of the accusation. Relief is due not just because of the rights of the accused are not only of interest to him, but concern the state, the statutory requirement may not be waived.

The evidence presented by the state in petitioners' case may raise a suspicion of Dukes's guilt, but it does not point conclusively, nor to a moral certainty, nor beyond a reasonable doubt, to his guilt. From the record before the honorable courts Dukes is entitled to a directed verdict of not guilty based on lack of evidence, and lack of probable cause for arrest.... SEE *Wong Sun v. U.S.* (1963); *Draper v. U.S.* (1959)

2.) Trial Court lacked Subject matter jurisdiction.

See *State v. Funderburk*, (S.C. 1972) 259 S.C. 256, 191 S.E.2d 520
Key 110 K 1033.1 K. Jurisdiction

Contention that conviction before the court of general sessions was void in that court did not have jurisdiction because magistrate issuing warrant had not conducted preliminary hearing on defendant's request, until after case had ~~been~~ been transmitted to the court could properly be raised for first time on appeal from conviction; failure to appeal from denial of prior motions to dismiss or quash indictment or subsequent intermediate ruling again denying such motion on grounds of res judicata was no bar. Code 1962, § 43-232. If the petitioner was tried and convicted upon an indictment which was a nullity, it follows that it was convicted in violation of article I, Section 17 of the constitution, as amended, now article I, Section 11). See also Section 5 of article 1, which reads as follows: "The privileges and immunities of citizens of this state and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws."

CONCLUSION

For the reasons stated, Petitioner asks the Court to grant the petition for a writ of certiorari.

Date: 10-14-14

Respectfully Submitted,

/s/ Michel A. Dukes, Jr. #311176

Michel A. Dukes^{SR} #311176

ECI-FI-211-B

610 Hwy 9 west

Bennettsville, SC

29512

ARREST WARRANT

H-299368

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 NO MYRTLE BEACH MUNICIPAL COURT

 THE STATE
 against

MICHAEL ANDRE DUKES

Address: 510 GOVERNORS ROAD

WILMINGTON, NC 28411

Phone: (910) 391-0357 SSN: 247-41-9638

Sex: ☒ Race: ☒ Height: 5'08" Weight: 150

Date: NC DL #: 29512744

DOB: 12/08/1973 Agency ORI#: 330260700

Prosecuting Agency: NO MYRTLE BEACH DEPT PUBLIC SECT

Prosecuting Officer: RAY ATWOOD

Offense: TRAFFICKING IN CRACK COCAINE

Offense Code:

Code/Ordinance Sec. 14-51-174

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant Michael Dukes
 on 9-8-2003

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CLIFFORD S. WELSH, MUNICIPAL JUDGE

1015 SECOND AVENUE SOUTH

NORTH MYRTLE BEACH, SC 29582

803-280-5520

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 NO MYRTLE BEACH MUNICIPAL COURT

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 Personally appeared before me the affiant JAMES BROWN who
 being duly sworn deposes and says that defendant MICHAEL ANDRE DUKES
 did within this county and state on September 11, 2003 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of NO MYRTLE BEACH MUNICIPAL COURT)
 in the following particulars:

DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 ON OR ABOUT SEPTEMBER 11, 2003, THE DEFENDANT MICHAEL ANDRE DUKES, AND DURING
 A LAWFUL SEARCH WAS FOUND TO BE IN POSSESSION OF 20.2 GRAMS OF CRACK COCAINE WHICH FIELD TESTED POSITIVE.

 Sworn to and subscribed before me
 on 09/12/2003

Signature of Affiant

 Affiant's Address 1015 SECOND AVE SOUTH
NORTH MYRTLE BEACH, SC 29582

Signature of Issuing Judge (L.S.)

Affiant's Telephone 343-280-5511

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 NO MYRTLE BEACH MUNICIPAL COURT

ARREST WARRANT

TO: ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on September 11, 2003 defendant MICHAEL ANDRE DUKES
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of NO MYRTLE BEACH MUNICIPAL COURT as set forth below:

DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 Judge's Address 1015 SECOND AVENUE SOUTH
NORTH MYRTLE BEACH, SC 29582

Signature of Issuing Judge

Judge's Telephone 803-280-5520

Judge Code:

 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

5-299368

Ret # 200328357

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT FOR
TRAFFICKING CRACK COCAINE
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

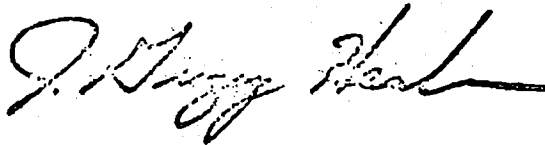
At a Court of General Sessions, convened on November 20, 2003 the Grand Jurors of Horry County present upon their oath:

TRAFFICKING CRACK COCAINE MORE THAN 10 GRAMS LESS THAN 20 GRAMS

(CDR: 0452 44-53-0375(C)(1)(c))

That Michael Andre Dukes did in Horry County on or about September 11, 2003, knowingly, sell, deliver, purchase, or bring into this State; or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession or attempted to become in actual or constructive possession of a quantity of Crack Cocaine in an amount of more than ten grams but less than twenty-eight grams, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S.C. Code of Law, (1976), as amended, such possession not having been authorized and in violation of Section 44-53-375 (c) (2), S.C. Code of Laws, 1976, as amended, for the crime of trafficking.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

BROWN/NMBPD

ARREST WARRANT NO. H-299368

CDR: 0452 44-53-0375 (C) (1) (c)

DOA: 9-12-003

ACTION OF GRAND JURY

TRUE BILL

ESH **NOV 20 2003**
Foreman of Grand Jury

VERDICT

Guilty

8-9-05

Claude E. Belcher
Foreman of Petit Jury Date:

DOCKET NO. 2003-GS-26- 3445

THE STATE OF SOUTH CAROLINA

COUNTY OF HORRY

GD 71872

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2003

THE STATE

VS.

MICHAEL ANDRE DUKES B/M

510 GOVENORS ROAD

WILMINGTON, NC 28411

SSN 247-41-9038 DOB 12-08-78

Attorney

INDICTMENT FOR:
TRAFFICKING CRACK COCAINE
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

J. GREGORY HEMBREE, SOLICITOR

ORIGINAL

ARREST WARRANT

H-299370

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 NO MYRTLE BCH MUNICIPAL COURT

 THE STATE
 against

VICTOIRE DANIELLE MANNING

Address: 4753 GORDAN ROAD

WILMINGTON, NC 28411

Phone: (910) 350-0694 SSN: _____

Sex: F Race: B Height: 5'07" Weight: 180

DL State: _____ DL #: _____

DOB: 08/07/1984 Agency ORI#: SC0260700

Prosecuting Agency: NO MYRTLE BCH DEPT PUBLIC SFTY

Prosecuting Officer: RAY ATWOOD

Offense: TRAFFICKING IN CRACK COCAINE

Offense Code: _____

Code/Ordinance Sec. 44-53-375

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 is to be arrested and brought before me to be
 dealt with according to law.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant Victoire Manning
on 9-12-03

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CLIFFORD L. WELSH, MUNICIPAL JUDGE

1015 SECOND AVENUE SOUTH

NORTH MYRTLE BEACH, SC 29582

803-280-5520

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

NO MYRTLE BCH MUNICIPAL COURT

 Personally appeared before me the affiant JAMES BROWN who
 being duly sworn deposes and says that defendant VICTOIRE DANIELLE MANNING
 did within this county and state on September 11, 2003 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of NO MYRTLE BCH MUNICIPAL COURT)
 in the following particulars:
 DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:
ON OR ABOUT SEPTEMBER 11, 2003, THE DEFENDANT VICTOIRE DANIELLE MANNING, AND
DURING A LAWFUL SEARCH WAS FOUND TO BE IN POSSESSION OF 20.2 GRAMS OF CRACK COCAINE WHICH FIELD TESTED
POSITIVE.

Sworn to and subscribed before me

on 09/12/2003
 _____ (L.S.)
 Signature of Issuing Judge

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

NO MYRTLE BCH MUNICIPAL COURT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above
 on September 11, 2003
 did violate the criminal laws of the State of

☐ County/ ☐ Municipality of NO MYRTLE BCH MUNICIPAL COURT
DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE
 Now, therefore, you are empowered and
 me forthwith to be dealt with according
 defendant at the time of its execution, or as

 _____ (L.S.)
 Signature of Issuing Judge

Judge Code: _____

ORIGINAL

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 Signature of Affiant James E. Brown
 Affiant's Address 1015 SECOND AVE SOUTH
NORTH MYRTLE BEACH, SC 29582
 Affiant's Telephone 843-280-5511

ARREST WARRANT

THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 affidavit that there are reasonable grounds to believe that
 defendant VICTOIRE DANIELLE MANNING
 South Carolina (or ordinance of
 as set forth below:
TO SOUTHERN

 directed to arrest the said defendant and bring him or her before
 to law. A copy of this Arrest Warrant shall be delivered to the
 soon thereafter as is practicable.

 Judge's Address 1015 SECOND AVENUE SOUTH
NORTH MYRTLE BEACH, SC 29582
Judge's Telephone 803-280-5520
 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

H-299370

Xref #: 200328867

 FILED
 Horry County
 SEP 29 AM 11:54
 CLERK OF COURT

WITNESSES

BROWN/NMBPD

ARREST WARRANT NO. H-299370 CB

CDR: 0450 44-53-0375 (C) (1) (a)

DOA: 9-12-003

ACTION OF GRAND JURY

TRUE BILL

E. S. H. NOV 20 2003
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury Date:

DOCKET NO. 2003-GS-26- 3400

THE STATE OF SOUTH CAROLINA

COUNTY OF HORRY

GHD 71872-2

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2003

THE STATE

VS.

VICTOIRE DANIELLE MANNING B/F

4753 GORDAN ROAD

WILMINGTON, NC 28411

SSN 21-49-1487 DOB 8-7-84

Attorney

INDICTMENT FOR:
TRAFFICKING CRACK COCAINE
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

J. GREGORY HEMBREE, SOLICITOR

ORIGINAL

NP
9/6/05
TMH

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF HORRY)

~~TRAFFICKING CRACK COCAINE~~
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

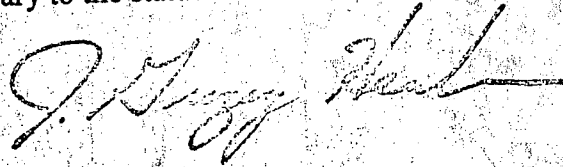
At a Court of General Sessions, convened on November 20, 2003 the Grand Jurors of Horry County present upon their oath:

TRAFFICKING CRACK COCAINE MORE THAN 10 GRAMS LESS THAN 20 GRAMS

(CDR: 0450 44-53-0375(C)(1)(a))

That Victoire Danielle Manning did in Horry County on or about September 11, 2003, knowingly, sell, deliver, purchase, or bring into this State; or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession or attempted to become in actual or constructive possession of a quantity of Crack Cocaine in an amount of more than ten grams but less than twenty-eight grams, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S.C. Code of Law, (1976), as amended, such possession not having been authorized and in violation of Section 44-53-375 (c) (2), S.C. Code of Laws, 1976, as amended, for the crime of trafficking.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

ARREST WARRANT

H-299370

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
NO MYRTLE BCH MUNICIPAL COURT

THE STATE

against

VICTOIRE DANIELLE MANNING

Address: 4753 GORDAN ROAD

WILMINGTON, NC 28411

Phone: (910) 350-0694 SSN: _____

Sex: _____ Race: B Height: 5'07" Weight: 180

DL State: _____ DL #: _____

DOB: 08/07/1984 Agency ORI#: SC0260700

Prosecuting Agency: NO MYRTLE BCH DEPT PUBLIC SFTY

Prosecuting Officer: RAY ATWOOD

Offense: TRAFFICKING IN CRACK COCAINE

Offense Code: _____

Code/Ordinance Sec. 44-53-375

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Victoire Manning
on 9-2-03

Clifford L. Welsh
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CLIFFORD L. WELSH, MUNICIPAL JUDGE
1015 SECOND AVENUE SOUTH
NORTH MYRTLE BEACH, SC 29582
803-280-5520

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
NO MYRTLE BCH MUNICIPAL COURT

Personally appeared before me the affiant

JAMES BROWN

who

being duly sworn deposes and says that defendant

VICTOIRE DANIELLE MANNING

did within this county and state on

September 11, 2003

violate the criminal laws of the

State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of

NO MYRTLE BCH MUNICIPAL COURT

in the following particulars:

DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
ON OR ABOUT SEPTEMBER 11, 2003, THE DEFENDANT VICTOIRE DANIELLE MANNING, ~~AND~~
DURING A LAWFUL SEARCH WAS FOUND TO BE IN POSSESSION OF 20.2 GRAMS OF CRACK COCAINE WHICH FIELD TESTED
POSITIVE.

Sworn to and subscribed before me

09/12/2003

Clifford L. Welsh
Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
NO MYRTLE BCH MUNICIPAL COURT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above

on September 11, 2003

did violate the criminal laws of the State of

☐ County/ ☐ Municipality of
NO MYRTLE BCH MUNICIPAL COURT

DESCRIPTION OF OFFENSE: TRAFFICKING IN CRACK COCAINE

Now, therefore, you are empowered and
me forthwith to be dealt with according
defendant at the time of its execution, or as

Clifford L. Welsh
Signature of Issuing Judge (L.S.)

Signature of Issuing Judge

Judge Code: _____

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT SEPTEMBER 11, 2003, THE DEFENDANT VICTOIRE DANIELLE MANNING, ~~AND~~
DURING A LAWFUL SEARCH WAS FOUND TO BE IN POSSESSION OF 20.2 GRAMS OF CRACK COCAINE WHICH FIELD TESTED
POSITIVE.

Signature of Affiant

Affiant's Address 1015 SECOND AVE SOUTH

NORTH MYRTLE BEACH, SC 29582

Affiant's Telephone 843-280-5511

ARREST WARRANT

THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

affidavit that there are reasonable grounds to believe that

defendant VICTOIRE DANIELLE MANNING

South Carolina (or ordinance of

as set forth below
TO SOUTHERN

directed to arrest the said defendant and bring him or her before
to law. A copy of this Arrest Warrant shall be delivered to the
soon thereafter as is practicable.

Judge's Address 1015 SECOND AVENUE SOUTH

NORTH MYRTLE BEACH, SC 29582

Judge's Telephone 803-280-5520

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

H-299370

Xref #: 200328867

WITNESSES

BROWN/NMBPD

ARREST WARRANT NO. H-299370 *CB*

CDR: 0450 44-53-0375 (C) (1) (a)

DOA: 9-12-003

ACTION OF GRAND JURY

TRUE BILL

ESB **NOV 20 2003**
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury Date:

DOCKET NO. 2003-GS-26- 3400

THE STATE OF SOUTH CAROLINA

COUNTY OF HORRY

GHD 71872-2

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2003

THE STATE

VS.

VICTOIRE DANIELLE MANNING B/F

4753 GORDAN ROAD

WILMINGTON, NC 28411

SSN 21-49-1487 DOB 8-7-84

Attorney

INDICTMENT FOR:
TRAFFICKING CRACK COCAINE
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

J. GREGORY HEMBREE, SOLICITOR

ORIGINAL

NP
9/6/05
TMH

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT FOR
TRAFFICKING CRACK COCAINE
MORE THAN 10 GRAMS, LESS THAN 28 GRAMS

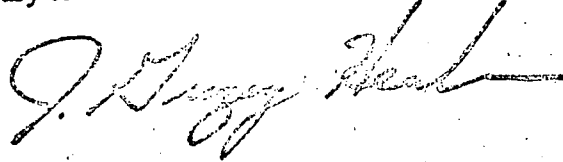
At a Court of General Sessions, convened on November 20, 2003 the Grand Jurors of Horry County present upon their oath:

TRAFFICKING CRACK COCAINE MORE THAN 10 GRAMS LESS THAN 20 GRAMS

(CDR: 0450 44-53-0375(C)(1)(a))

That Victoire Danielle Manning did in Horry County on or about September 11, 2003, knowingly, sell, deliver, purchase, or bring into this State; or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession or attempted to become in actual or constructive possession of a quantity of Crack Cocaine in an amount of more than ten grams but less than twenty-eight grams, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S.C. Code of Law, (1976), as amended, such possession not having been authorized and in violation of Section 44-53-375 (c)(2), S.C. Code of Laws, 1976, as amended, for the crime of trafficking.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

PROOF OF SERVICE OF A NOTICE OF APPEAL
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM Horry County
Court of General Sessions

Edward B. Cottingham, Circuit Court Judge

Case No. 2003-65-26-3444
2003-65-26-3445
2003-65-26-3443

The State, ... Respondent,
v.
Michel A. Dukes, ... Appellant.

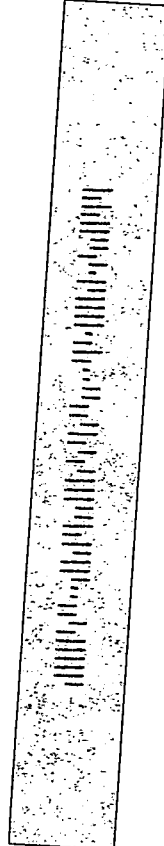
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on
melanie Huggins ward Clerk of Court of Horry County, P.O. Box
677 Conway, SC 29528-0677, Joshua L. Thomas, Esquire
Assistant Attorney General, Post Office Box 11549 Columbia, SC
29211, Daniel E. Shearouse, Clerk of Court for the Supreme
Court of South Carolina, Post Office Box 11330 Columbia, SC 29211
by depositing a copy of it in the United States Mail, postage prepaid,
on

Date: 10-14-14

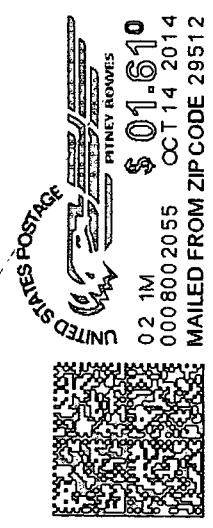
/s/ Michel A. Dukes #311176
Michel A. Dukes SR. #311176
ECI-FI-211-B
610 Hwy 9 west
Bennettsville, SC
29512

Michel A. Dukes^{SR}, #311176
ECI-FI-211-B
610 Hwy 9 West
Bennettsville, SC
29512



OCT 14 2014

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina
29211



THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.
EVANS CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

