

PRO-SE BRIEF OF DEFENDANT

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APPELLATE CASE

MAY 20 2015

CASE NO: 2015-000870

SC Court of Appeals

DEFENDANT REQUEST THIS HONORABLE COURT TO HEAR THIS PRO-SE BRIEF ON SUBJECT MATTER JURISDICTION.

AS A PRELIMINARY MATTER, IT MUST BE NOTED THAT ISSUES RELATED TO SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANY TIME. CARTER V. STATE, 329 S.C. 355, 495 S.E.2D 773 [1998] THUS, THIS [ISSUE] IS PROPERLY BEFORE US ON APPEAL. PURSUANT TO S.C. CODE ANN §17-19-20 [1985], AN INDICTMENT IS DEEMED SUFFICIENT WHERE, IN ADDITION TO ALLEGATIONS AS TO TIME AND PLACE, AS REQUIRED BY LAW. THIS INDICTMENT DOES NOT STATE WHERE IN SAID COUNTY THAT THIS CRIME TOOK PLACE. IT LEFT THE GRAND JURY SPECULATE ON ESSENTIAL ELEMENTS OF THE CRIME; AS TO PLACE. SO SAID JURISDICTION IS NOT VESTED. STATE V. SHOEMAKER 276 S.C. 86, 275 S.E.2D 878 [1981]

THE SOLICITOR WENT UNDER OATH IN FRONT OF THE GRAND JURY AND HAS TOLD UNTRUE STATEMENTS TO SAID JURY.

Ray Mayo
DEFENDANT

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SOLICITOR HAS STATED MORE THAN 28 GRAMS, WHICH IS PERJURY. THE RULE [6] SHOWS LESS THAN [9] GRAMS. IT IS PROPER FOR THE APPELLATE COURT TO REMAND FOR AN EVIDENTIARY HEARING TO DETERMINE WHETHER THE TRIAL COURT HAD SUBJECT MATTER JURISDICTION. STATE V. GRIM, 341 S.C. 63, 533 S.E. 2D 329 [2000] ANDERSON V. STATE, 338 S.C. 629, 527 S.E. 2D 398 [CT. APP. 2000] THIS INDICTMENT NEEDS TO BE QUASH AND DISMISSED AS BIAS AND PREJUDICE.

COUNSELS FAILURE TO INVESTIGATE. UNITED STATES V. MOONEY 497 F.3D 397, 404 [4TH CIR. 2007] COUNSEL IN CRIMINAL CASES ARE CHARGED WITH THE RESPONSIBILITY OF CONDUCTING APPROPRIATE INVESTIGATIONS, BOTH FACTUAL AND LEGAL, TO DETERMINE IF MATTERS OF DEFENCE CAN BE DEVELOPED.

COUNSEL OF RECORD DID NOT INVESTIGATE THIS CASE. OR MR. JACOB E. MCFADDEN ESQUIRE, WOULD HAVE SEEN THE JURISDICTION IS NOT VESTED. AND WOULD HAVE PUT A MOTION IN COURT TO SUPPRESS THE EVIDENCE. UNITED STATES V. WOOD. 879 F.2D 927, 934 [D.C. CIR. 1989] TO MAKE OUT A CLAIM OF INEFFECTIVE ASSISTANCE RELATED TO AN ATTORNEY'S FAILURE TO MOVE FOR SUPPRESSION OF EVIDENCE, THE MOVANT MUST SHOW THAT THE CLAIM HAD MERIT AND THERE IS A REASONABLE PROBABILITY THAT BUT FOR THE EXCLUDABLE EVIDENCE THE VERDICT WOULD HAVE BEEN DIFFERENT.

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Ron Moore
DEFENDANT

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STRICKLAND V. WASHINGTON, 466 U.S. 668, 104 S.Ct.

2052, 2068, 80 L.ED. 674 [1984] A DEFENDANT IS ENTITLED TO A NEW TRIAL IF HE CAN SHOW [1.] THAT TRIAL COUNSEL'S PERFORMANCE WAS DEFICIENT; AND [2.] A REASONABLE PROBABILITY THAT, BUT FOR THE DEFICIENT PERFORMANCE, THE OUTCOME OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. A PETITIONER CAN MEET THIS STANDARD BY SHOWING THAT COUNSEL FAILED TO CONDUCT ADEQUATE PRETRIAL INVESTIGATION AND PUT A MOTION IN COURT TO SUPPRESS THE FAULTY INDICTMENT.

MR. RAY MAY 0363744 WAS PREJUDICED BY COUNSEL'S ERRORS

THE PREJUDICIAL EFFECT OF COUNSEL'S ERRORS MUST BE CONSIDERED CUMULATIVELY RATHER THAN INDIVIDUALLY.

WILLIAMS V. TAYLOR, 529 U.S. 362, 120 S.Ct. 1495, 1515, 146 L.ED.

2D 389 [2000] HARRIS V. WOOD 64 F.3D 1432, 1438-39 [9TH

- CIR. 1995] BASING THAT CONCLUSION ON "STRICKLAND."

WHEREFORE DEFENDANT REQUEST THIS CASE TO BE QUASHED AND VACATED AS BIAS AND PREJUDICE. AND COUNSEL TO BE APPOINTED TO FOSTER THE CASE. SO ITS NOT TANTED AT A LATER DATE. FOSTER V. STATE.

Ray May
DEFENDANT

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MAY 20 2015

SC Court of Appeals

DATE 5-7-2015

SOUTH CAROLINA
COURT OF APPEALS
P.O. BOX 11629
COLUMBIA S.C. 29211

APPELLATE CASE NO.
2015-000870

RE: ARGUABLE ISSUES TO BE RAISED ON APPEAL

DEAR APPELLATE COURT.

I REQUEST YOUR HONORABLE COURT TO APPOINT COUNSEL
AS SOON AS POSSIBLE. AND HERE IS MY PRO-SE BRIEF ON
THE ISSUES, THAT HAS TO BE RAISED

* Please clock stamp this document and send me a copy. *

THANKING YOU IN ADVANCE

I REMAIN

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