

Dennis A. Lockhart; 222734
F-5-C-118
Evans Corr. Inst.
610 Hwy. 9 West.
Bennettsville, South Carolina
29512

Aug 23 2012

Hon. Daniel F. Shearouse;
Clerk, South Carolina
Supreme Court
Post Office Box 11330
Columbia, South Carolina
29211

10. SUPREME COURT

AUG 27 2012

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2012

10. SUPREME COURT

Re: Appellate Case No. 2012-212403;
Lockhart-Vs.-State

Notice: Evidentiary hearing requested!

Dear Hon. Shearouse;

Please, upon receipt of such, find enclosed an original motion (203)(d)(D)(B), for a Belated Appeal, with the cover sheet; and a Certificate of Service, to be, "Clocked-date-Stamped", filed by your office, and a clocked, in copy of the same returned to me as soon as feasible.

With the kindest regards,
Dennis A. Lockhart
Dennis A. Lockhart; 222734

10. SUPREME COURT

AUG 27 2012

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In The Supreme Court
State Of South Carolina

Appeal From Spartanburg County
Judicial Circuit, Judge J. Derham Cole

Appellate Case No. 2012 - 212403

Motion Of Explanation, For A
Belated Appeal, From A guilty plea.
pursuant to rule 203 (d)(1)(B) SCACR

Dennis A. Lockhart, Appellant,

- Vs. -

State Of South Carolina, Respondent

Motion for Explanation, for A
Belated Appeal, from A guilty plea
pursuant to rule 203 (d)(1)(B) SCACR,

Henceforth, cometh the appellant, before this Honorable court; pursuant to rule 203(d)(1)(B) SCACR, to so move before this Honorable court, to make a Showing, that in the appellant's case there are appealable issues, that can be raised, Identified, and presented, before this court, that has never been adjudicated, that are meritorious, and state's a claim, before this Honorable court from which relief of a resentencing would be necessary -

as dictated by Law, In the appellant's case at hand, that's place before the 'Bar', There are, presently (4) Four distinct claims, and / or issues, that has not been adjudicated

as in reference to the Statutory provisions of 17-27-45 (B) and (C), as the Lower court, clearly erroneously, dismissed the appellant's case without an evidentiary hearing, as in Hope vs. State; Cit. Ontd.;

In the case at hand, the issues are as follows:

- ① State erroneously applied an 1982 drug relation conviction, that was over ten years old to enhance appellant's sentence.
- ② The Court, Lacked Jurisdiction to entertain the subject's matters, where as to the offense the appellant was indicted for, pursuant to statute did not reflect / or show time and place of incident.
- ③ Further the court Lacked Jurisdiction to entertain the subject's matters, as State was the sole witness, that went to the grand Jury for a True Bill indictment.
- ④ And last, but not least, appellant claims, that there was a violation of Double Jeopardy; and Jurisdiction; in that the Imminent domain; and Seperation of powers doctrine were violated by both State, and Federal both prosecuting for the same offense.

Of the following at hand; appellant would State that and contend the point, that by State using a Ten year old conviction to enhance a sentence was clearly a violation Ex post Facto Bill of Attainder, under the principles of S.C. Const. art. 1, sect 4, Further

Whereas the State, in case at hand that is placed before the Bar, failed to establish and/or show in the offense, that the appellant was indicted for pursuant to the Statutory provisions of 17-19-10 - 17-19-20

the time frame and place of incident as to establish Jurisdiction of proper venue to entertain the Subject's matter's as well as being able to charge "Mere presence."

Furthermore as in Capps and Anderson, As to State being the sole witness at the grand Jury, in presenting evidence for a "True Bill", indictment raises major "core concerns", as to impartiality and Bias; as to "Undue Influence" one sided by State, in obtaining an unethical practice, that is strategy, of the State to gain an unfair advantage, thusly being a substantive due process violation, arbitrary due process violation of governmental Abuse.

and last but not least in conclusion to the foregoing matter at hand, appellant would contend that, appellant has reason to believe and/or infer; that the State and federal court in both in acting in concert, in prosecuting the appellant -

case; both violated the "Seperation of powers," doctrine, of S.C. Const. art. 1, sect 8.; Double Jeopardy; and the "Eminent Domain," in that both State and Federal, both prosecuted, the applicant for the same offense; thusly; one or the other should have proceeded in the prosecuting of the Appellant, instead of both placing the appellant twice in Jeopardy or duplicitious in facing the same;

Appellant contends that he has a "Liberty Interest," in State created rights as, appellant is the one whom is being subjected to them; therefore as a matter of Law; the appellant so moves, for the granting of such "Belated Appeal," pursuant to Austin and rule 203 (d) (1) (3) SCACR; or in the alternative for a Remand with Instructions to the Lower court for an evidentiary hearing and Full briefing with the appointment of competent counsel to effectively assist the appellant, in the "perfecting of such appeal."

Dennis L. Lockett

In The Supreme Court
State Of South Carolina

Appeal From Spartanburg County,
Judicial Circuit, Judge J. Derham Cole

Appellate Case No. 2012-212403

Certificate Of Service

Dennis A. Lockhart, Appellant

-Vs.-

State Of South Carolina, Respondant

That I, ~~Dennis A. Lockhart~~, Certify and declare under the penalty of perjury; that I have served on the following address below; on this day of Aug. 2012; A motion for an related Appeal from a guilty plea, by depositing such in the Evans Corr. Inst. Mail room Office.

Has sworn to and subscribed
before me this day of Aug. 2012.

Dennis A. Lockhart
Dennis A. Lockhart; 222734
F-5-C-112
Evans Corr. Inst.
610 Hwy. 9 West
Bennettsville, South Carolina
29512

Exp. Notary

Orig: Hon. Daniel E. Shearouse;
Clerk, South Carolina
Supreme Court
P.O. Box 11330
Columbia, South Carolina
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