STATE OF South Carolina

In The Supreme Court

Certiorari to Lexington County

Brian M. Gibson. Circuit Court Judge

Eddie Clay Golson,

Petitioner,

V.

State OF South Carolina, RESPondent

APPELlate CASE NO. 2014-002166

JOHNSON Petition For Writ OF certiorai

APPellate Brief
Eddie Clay Golson #303012
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P.O. Box 205
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ISSUE Presented 17-13-140 Issuance, execution and return of arrest Warrants

1. Invalid Warrant's

The arrest Warrant's in this case is not signed and dated on 9/20/2007, by the magistrate Judge William G. Shockley nor or the four-page's on accompanying affidavit's signed, See Applicant APPENDIX, 372, 373, 374, and 375-Warrant-Division.

It is undisputed that the warrant's in this case was not issued on 9/20/2007. Applicant in this case argued that, without the magistrate's signature, the warrant is not issued within the meaning of South Carolina arrest Warrant Statute, S.C. Code Ann. 17-13-140. Applicant cite this case to support his issue State V. Covert, 368 S.C. 188, 628 S.E. 2d 482 (Ct. App. 2006) In a split decision, Judge Short and Anderson found reversible error, See the opinion NO. 26632 Affirmed as modified. Applicant also Cite Davis V. Sander 40 S.C. 507, 19 S.E. 2d 138 to support his argument on these invalid arrest Warrant's. The supreme court have held, in the context of an arrest warrant, that such a Warrant is not lawful where the issuing judicial officer fail to sign on the space provided on the warrant form. The Davis court gave a persuasive explanation of the signature requirement, albeit in the context of an arrest Warrant: Under Section 17-13-140 is the requirment that a warrant must be signed by the issuing judicial officer in order to be complete in a common law decision predicated on Publicy Consideration. The signature is the assurance that a judicial officer has found that law enforement has made the requisite Probable cause showing, and serves as notice to the citizen upon whom the warrant is served that it is a validly issued warrant. Without the signature, it is merely an "unfinished" Paper." Davis, Supra; See also DuBose V. DuBose 90 S.C. 87, 72 S.E. 645 (1911) ("But it has been decided [in Davis] that when an officer is

Performing the Minsterial duty of issuing a Paper on compliance with certain conditions Precribed by law. his Signature at the foot of the Paper he intended to sign is necessary to its Validity?? The Supreme court have held that an unsigned arrest warrant cannot be upheld in the face of 17-13-140. the General Warrant Statute.

2. ISSUE Presented 24-5-10, Commitment to the director of the detention center of lexington County.

That on November 6, APPlicant was arrested and transported to lexington detetion center by officer Borknight APP. 379. Then on November 19th applicant was transported by officer Borknight to court on case number: 38952, 38953, 1, and 49650AL. At at the conclusion of the bench trial judge George Nicholson granted applicant a discharge to be release with Credit time served which was the only charges applicant Had. APP. 380, That on January 1st/23/2008, Ms. Torry McClain ran a NCIC check on warrant's numbers J-830115 J-830116, J-830117, J-830118, and She also ran a local check and Come out with no valid warrans. APP 381. Then on 9/23/2008. 11, Months later Ms. Christine Bates Conducted the same NCIC check on the above warrants. APP. 381, 382. APPlicant was not received to the County Jail on any burglary warrants issued by Judge Shockley under Section 17-13-140. APP. 383, nor was applicant committed under section 24-5-10. APP. 385, See case Cite Raton v. Sparks 270 S.C. 637, 244 S.E. 2d 214. The applicant is still being held unlawfully imprisonment at S.C.D.C. because he was not committed to the S.C.D.C. by the way of a valid commitment Order under Section 24-3-80, To the director of South Carolina department of correction.

3. ISSUE Presented 14-25-35, APPointment and duties of clerk of court,

That on January 21, 2014 the applicant Produce the testimony of a favorable witness Ms. Beth ann carrigg in accordance with the rules of evidence/ RULE. 401. "Relevant Evidence". That the above warrants and case # 07070513 do not exist. line 1-3. APP. 387-390. and 391 # 07070513. RULE 3. DISPOSITON OF ARREST WARRANTS. (a) Transmittal to clerk. (b) Transmittal to solicitor (e) Record of Proceedings. That on March 17, 2008. The magistrate judge Scott D. Whittle held the Preliminary hearing an dismiss the entire case because there was no Probable cause to bound over to the court of general session under section 22-5-320. Provides: State v. Keenan 296 S.E.2d 676 see General sessions case history for case numbers that was filed and dated November 16, 2007 which was the final disposition of the unsigned arrest warrant's... Recorded by castdain Monica Huggins APP. 376, 377, 378, 384, 386, Magistame judge Scott D. Whittle found me not guilty on these invalid arrest warrant's J-830115, 116, 117, and 118, on March 17, 2008, APP. 412. Under section 17-13-140, Issuance execution and return of arrest warrant's, the court of general session did not issue a warrant against me at any time and magistrate judge William G. Shockley did not issue any warrant's at any time APP. 390, 326, 327 applicant is being held and confined unlawfully at the the S.C.D.C. without the Pursuant to orders of commitment of the lexington county clerk of court Ms. Beth ann carrigg or any other clerk of the court. APP. 328, 329. Grand Jury did not convened on any date in the year of 2008 under 16-11-311. see the convened on october 7, 2008. APP. 428

4. Department of Forensic D.N.A. Analysis

Issue Presented 17-28-310. D.N.A. Profile

Rule 702. Testimony by Expert

That on March 31. 2009, Maryann Shehan was sworn in as an expert for the state. APP. 235 line 1- APP. 237 line 25/

Expert Shehan testified it's item 2. our case number is "L.L.L. 81487". APP. 242 line 9-20

Expert Shehan testified to a case number that is not relevant to my D.N.A. Analysis that was performed on the blood from broken glass, and the swab from a beer can. APP. 403, SLED LAB: # L08-14187. APP. 404. SLED LAB NO: L08-14187 D.N.A. RESULTS... Item 2. Blood/ Item 1. Swab. Statistics Report Specimen ID: L08-14187-2 APP. 405/ Applicant cite case number Johnson V. Stevenson to support this matter 2014 WL 3749331 D.S.C. 2014. Unlike Johnson in this case applicant instance case, applicant did make a Prima facie showing that counsel was deficent when applicant introduced evidence during his P.C.R. hearing that support his allegation that the State expert witness introduce evidence that was inconsistent with SLED LAB NO: L08-14187 APP. 404. Counsel was ineffective for failing to object to an unknown case number "L.L.L. 81487" which prejudiced applicant due to the fact D.N.A. is the only evidence that convicted me. which the D.N.A. results clearly exonerated applicant from the crime scene on the night of the burglary on August 18. 2007. On January 21. 2014. attorney general Mr. Whitmire agreed the newly-discovery evidence in the light most favorable to applicant regarding his D.N.A. results which was not develope at his trial. APP. 340. line 21- 24. APP. 404 SLED LAB NO. L08-14187. D.N.A. RESULTS/ Applicant cites Bagwell V. State, 410 S.C. 259. to support his claim. APP. 408-410. State match detail report/ match date 11/12/08.

5. Issue Presented 17-28-320. Preservation of Evidence

That on August 18, 2007. Officer Hickman was the responding crime scene office. APP. 391-392, evidences that was found and collected was never log in at the Sheriff's department by Hickman. APP. 153 line 6-11. APP. 4. line 22-25. APP. 392. Lexington County Sheriff's department evidence/property records. There is no Suspect(s) to whom the evidence belongs to nor was the evidence received by any custodian at the Sheriff's department from the year of 2007-2015. See the bottom of the evidence Form where there is no name or signature which make the chain of custody impossible to prove in this case because the chain is lacking on the front end. "Ms. Margaret E. Harman" was sworn in as the evidence custodian on gave her "inconsistent" testimony that she received evidence from crime scene officer Hickman. APP 172. line 14- APP. 181. line 4) in this instance case applicant Cite State v. Sweet 647 S.E. 2d 206 that the evidence in this unknown case NO: 07070513 was inadmissible because the chain of possession of the "identity" of those who handled the [evidence] was not established at least as far as Practicable. Therefore the question is only one of credibility and not admissibility of the prejudice testimony from Ms. Harman because there is no "Affidavits" Pertaining to this unknown case. APP. 406. 407.

In State v. Governor 362 S.C. 609. Officer Hickman did not comply to the Procedure's Setforth in Governor because Hickman has fail to comply with the department of Public safety's Policy directiveness on "evidence" the directiveness requires that [all] Controlled Substance [to] be transported to Sled for analysis within 72 Hours of the seizure. In this instance case officer Hickman have prove, and there is evidence of tampering. bad faith or ill motive APP. 391. and 392.

b.. Issue Presented 16-11-311.(A) Burglary First Degree

A Person is guilty of burglary in the first degree if the Person enters a dwelling house without consent and with intent to commit a crime in the dwelling house.

The trial judge Abuse his discretion whe he denied applicant motion for direct verdict, S.C. Statute Clearly State that a person has to enter a dwelling without consent. S.C. Code Ann. 16-11-311. because the State has fail to introduce any Physical evidence that Place applicant inside the dwelling house. APP. 151 line 14- APP. 171 line 21. see Also APP 401. Matthew Olsen the victim did not identify the the applicant as the suspect who entered his house according to the description he gave on the day of applicant trial. See APP. 122, line 4-25. applicant summit that his Physical description is Five(ft) 6. Inches) tall" and his weight is 160. 165. Trial judge error when he denied applicant motion for direct verdict where the State fail to Prove all of the essential elements of First degree burglary beyond a reasonable doubt. See State v. Benton (S.C. 2000) 526 S.E.2d 228 Cert. denied 530 U.S. 1209. The 4th Circuit has made it very clear, the States must Prove all of the elements of the crimes Charged See case Goldsmith v. Witkowski. 981 F 2d 697 (4th Circuit 1992) The applicant contends that, under the Standard of Jackson v. Virginia 443 U.S. 307, 319 (1979) that the evidence Presented at applicant trial was insufficient to Sustain his Coviction. See APP. 282 line 15- APP. 283 1-23. State have fail to Prove unlawful entry Under Section S.C. Code Ann. 16-11-311. beyond a reasonable doubt. See Judge Royce Knox Mcmahon jury charge APP. 288 line 3- APP. 305. line 1-20 then see APP. 287. line 5-23. See APP. 401. Stat has fail to Prove the burden of Proof on unlawfull entry against the house Pertaining to the essential elements of burglary. APP. 90. line 23- APP. 94. line 1-19.

7. The P.C.R. Court error in Finding trial Counsel was not ineffective For Failure to investigate when expert witness Maryam E. Shehan testified that results from Sled Case NO: was L.L.L.81487 See APP.242 line 9-20. Applicant in this case relys on a RULE 60.(b) For relief from judgment or order base on fraud upon the court, and the newly discovered evidence that was not developed at applicant trial. See APP.419 Exhibits(5)and(6) the State have fail to Prove what is applicant blood type. See APP.408 and APP. 340 line 21-24. Expert Purjury testimony which falls under impeachment. RULE(609) ImPeachment by evidence of conviction. See APP. 331, line 1.-10. APP 332. This was a decepton Practiced in order to induce another to Part with or Surrender Some legal rights. A false representation made with an intent to deceived which was Committed by Stating what is Known to be False or by Professing Knowledge of the truth of the Staement which is false, but in either case the essental ingredient is a falshood uttered with intent to deceive to constitute Frauch on it appears the Expert in this instance case made a material representation that her testimony was fraud when she made it before the jurys which was recklessy without any Knowledge of it's truth and as a Positive assertion that she made it with intention that it should be acted on against the applicant and Applicant has Suffered injury from her false testimony on the day of applicant trial. See case to support applicant argument Vertes V. GAC 337 F. Supp 256, 266. Trial Counsel was ineffective when she fail to investigate to whom the blood on the glass belonged to and the Swab from the beer can which she denied applicant a complete defense of third Party guilt See Crane V. Kentucky 106 S.Ct. 2142 (1986)

Applicant could have reasonably have had the the state expert witness testimony entered as exculpatory evidence as to applicant innocence, which would have Plainly exonerated applicant. See applicant 403. DNA Analysis November 25, 2008 SLED LAB: L08-14187. Then see app. 404. the RESULTS App. 410 Nancy J. Skraba told the truth on (November 13, 2008) about the blood not matching my DNA Profile because the blood was unknown and there was no Partial Profile. See the candidate match then go to applicant 402, then you will see that Nancy J. Skraba lied about the blood matching my DNA Profile on (November 13, 2008) which is a misconduct an very unProfessional on her behalf, on the applicant in this instance case begs the supreme Court Judges who will be Presiding over his case to grant him an order to have the Blood and the Swab from the beer can to beretested under the States OF law section 17-28-30. to Prove his innocence. In State v. Gregory 198 S.C. 98, 16 S.E. 2d 532 (1941) the court held that evidence offered by accused as to the commission of the crime by another Person must be limited to such facts as are inconsistent with his own guilt and to such facts as raise a reasonable inference or Presumption as to his own innocence. See Bagwell v. State, 410 S.C. 259 (2014) newly discovered evidence introduce at P.C.R. hearing on January 21, 2014, before Judge Gibson. The United States Supreme Court, in united State v. Agurs 427 U.S. 97, 112 (1976) described the material Standard as existing where the omitted evidence creates a reasonable doubt that did not otherwise exist for counsel failure to investigate or Proper object denied applicant his right to a fair trial.

8. Issue Presented 17-1-40. Expungement Order.
In this instance case Judge William Paul Keesley, the Solicitor Richard Hubbard and magistrate Jude scott D. Whittle conducted a hearing an granted the expungment Order on all of the Places indicated below. See App. 411-413 then go to APP. 372- APP. 410. In this case applicant under 17-1-40 S.C. Code Ann. (1976) States that any Person who after being charged with a criminal offense and such charge is discharged or Proceedings against such Person dismissed or is found to be innocent of such charge the arrest and booking records, Files, mug shots. and finger Prints of such Person shall be destroyed and no evidence shall be retained by any municipal, county or state law-enforcement agency. applicant cite the following cases to support his argument State v. Salmon 279 S.C. 344 (1983) 306 S.E.2d 630. I construing a statute the intent of the legislature must Prevail. See State v. Harris, 268 S.C. 117, 232 S.E.2d 231 (1977) Where the terms of the statute are clear and unambiguous. the must be applied according to their literal meaning. See Green v. Zimmerman 269 S.C. 535, 238 S.E.2d 323. Applicant in this case request that all of the statute that he Presented to suppt his arguments be applied to their literal meaning under section 17-1-40. Expungement. See case cite Gist v. Berkeley County sheriff Department 336 S.C. 611 521 S.E.2d 163. Fryer v. South carolina Law-enforcement 369 S.C. 395, 631 S.E.2d 918 and Compton v. S.C.D.C 392 S.C. 361 (2011) 709 S.E.2d 639 and Pain v. Baker 595 F.2d 197.

State of South Carolina
County of Lexington

Eddie Clay Golson #303012
Applicant,
vs
State of South Carolina
Respondent.

In The Supreme Court

Appellate case NO: 2014-002166
Johnson Petition for Writ of Certiorari

Affidavit of service by mail

1. I am the applicant of the above-captioned action.
2. Regular communication by mail exists throughout the State of south Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of this briefing on the following person by depositing same in the united states mail this 21th day of July 2015.

Eddie Clay Golson

Mr. Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia S.C. 29211

Sworn to before me this 21th day of July, 2015
Lillian S. Hood (L.S.)
Notrary Public for South Carolina
My commission EXPires: March 4, 2025
Eddie Clay Golson

Eddie Clay Golson #303012CA22
Lieber Correctional Inst
P.O. Box 205
Ridgeville S.C. 29472

July 21, 2015

RE: Pro see brief

Dear Mr. Shenrouse enclosed is my brief and I ask that you Please Sir write me back and let me know that you have received it.

Thank You Sir
Eddie Clay Golson

Eddie Clay Golson #303012 CA22
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The Supreme Court OF South Carolina
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