

State of South Carolina
County of Chester

Anthony Isom #356819
Applicant,

vs
State of South Carolina
Respondent.

In the Supreme Court

Appellate Case No: 2014-002269

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 28th day of July 2015.

Anthony Isom

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

RECEIVED

JUL 28 2015

Sworn to before me this 28th day of July, 2015. S.C. SUPREME COURT
Judith Bryant (h.s.)

Notary Public for South Carolina

My Commission expires: May 26, 2020

Anthony Isom

Issues Presented

Issue Presented. Immediate disposition of felonies; Application under Section 17-23-130. Trial attorney was ineffective because he fail to conduct appropriate investigation both factual and legal.

Under 17-23-130 Immediate disposition of certain misdemeanors or felonies; Waiver of presentment by grand jury and plea of guilty. Trial counsel was ineffectuated cause he fail to have applicant transfer to clerk of Court to sign waiver in open court before entering a guilty plea under Section 17-23-130
See app. 28 Sentence Sheet.

Summerall v. State (S.C. 1982) 278, S.C. 255, 294 S.E. 2d 344.
Criminal Law 273(4.1) A defendant who failed to properly execute waivers of indictment before properly pleading to an indictment which had not been presented to the grand jury would have his guilty plea vacated.

Odom v. State (S.C. 2002) 350 S.C. 300, 566 S.E. 2d 528
Criminal Law Key 99 a oral waiver was not sufficient to bestow subject matter jurisdiction on the trial court in the absence of an indictment; a written waiver was required. (I didn't get a written waiver.)

Trial counsel was ineffect because he allowed me to plea guilty less included offense which I did not waive Presentment in open court. Under Section

17-23-40

Issue Presented (Rule 5) Brady Violation that on 1-28-2014 (that) See, App. 49 line 16-53 line (6) which is a Brady Violation under rule (5) Brady v. Maryland 373 U.S. 83 (1963) and Giglio v. United State 405 U.S. 150 (1972)

Also See App. 58 line 10 - App. 59 line 15 is Brady v. Maryland 373 U.S. 83 (1963) and Giglio v. United State pertaining to any and all Matirel.

**SIXTH JUDICIAL CIRCUIT
PUBLIC DEFENDER'S OFFICE**

CLERK OF COL
CHESTER CO S

2013 JUN -6 A 10:1

104 N. Main Street * Post Office Box 1809
Lancaster, South Carolina 29721
Telephone No.: (803) 285-5585
Fax No.: (803) 285-6085

FILED

June 6, 2013

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: State of South Carolina vs. Anthony Isom
2012-GS-12-442

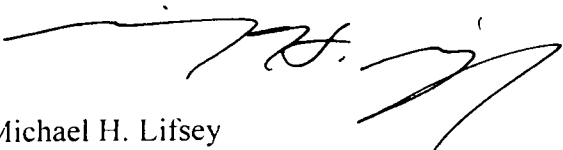
Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal in above case. Also enclosed are the following: Please be advised that with this letter I am filing:

1. Proof of Service of the Appeal on the State
2. Statement Pursuant to Rule 203(d)(1)(B)(4)

This is an appeal in an appointed criminal case and, therefore, I anticipate that Appellate Defense will handle the appeal. I am copying them with this letter and the enclosed documents.

Sincerely,


Michael H. Lifsey
Attorney for the Appellant

Enclosures

cc: Julie Gamburg Hall Assistant Solicitor

Appellate Defense Division, SC Commission of Appellate Defense

The South Carolina Court of Appeals

The State, Respondent,

v.

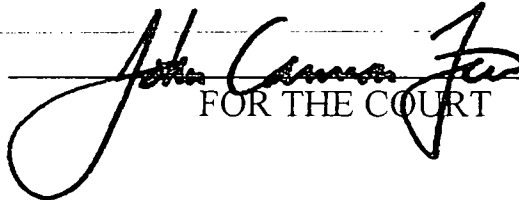
Anthony Isom, Appellant.

Appellate Case No. 2013-001244

FILED
2014 JAN 13 P 1:01
CLERK OF COURT
CHESTER CO S.C.

ORDER

The notice of appeal filed by counsel for the appellant, Michael H. Lifsey, indicates that the appeal is from the denial of a request for immunity pursuant to the Protection of Persons and Property Act (the Act). *See* S.C. Code Ann. §§16-11-410 to -450 (Supp. 2012). The Court asked Mr. Lifsey to provide a copy of the order on appeal within five days of November 26, 2013. To date, the Court has not received a response from Mr. Lifsey. Accordingly, the appeal is dismissed. *See State v. Isaac*, 405 S.C. 177, 185, 747 S.E.2d 677, __ (2013) (holding a denial of a request for immunity under the Act is not immediately appealable) (clarifying *State v. Duncan*, 394 S.C. 404, 709 S.E.2d 662 (2011)). Remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

 _____, C.J.
FOR THE COURT

Columbia, South Carolina

cc:

Julie Gamburg Hall, Esquire

Salley W. Elliott, Esquire

Michael H. Lifsey, Esquire

Robert Michael Dudek, Esquire

FILED

December 17, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

IN THE COURT OF GENERAL SESSIONS

THE STATE,)
)
vs.)
)
Anthony Isom)
)
)
Defendant.)
_____)

MOTION TO DISMISS PURSUANT TO
SOUTH CAROLINA CODE SECTION 16-11-450

Warrant
K289493

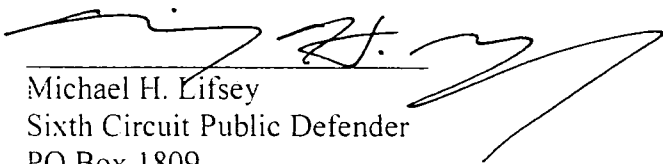
TO: Douglas A. Barfield, Jr.
Solicitor, Sixth Judicial Circuit

YOU WILL PLEASE TAKE NOTICE that the Defendant will move before the Presiding Judge, on May 28, 2013, at 9:30 a.m., or whenever thereafter the court shall direct, for an order dismissing the above referenced warrant pursuant to South Carolina Code Section 16-11-450 on the ground that the defendant is entitled to immunity from prosecution as a matter of law.

The defendant is charged on the above referenced warrant with Murder with an incident date of June 15, 2012. The defendant intends to show that his actions were in conformity with 16-11-440(C) and the prevailing common law of the State and, therefore, the defendant is entitled to immunity from prosecution pursuant to South Carolina Code Section 16-11-450.

Respectfully submitted,

DATE: 4/19/13



Michael H. Lifsey
Sixth Circuit Public Defender
PO Box 1809
Lancaster, SC 29721
(803) 285-5585 phone
(803) 285-6085 fax

FILED
2013 APR 19 P 3:13
CLERK OF COURT
CHESTER CO S.C.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CLERK OF COL
CHESTER CO S

2013 JUN -6 A 10:

APPEAL FROM CHESTER COUNTY
Court of General Sessions

FILED

Brooks P. Goldsmith, Circuit Court Judge

Case No(s): 2012-GS-12-442

The State of South Carolina,

Respondent.

v.

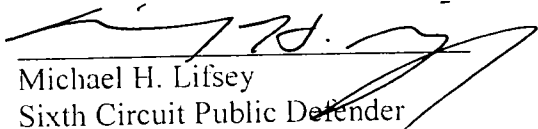
Anthony Isom,

Appellant.

NOTICE OF APPEAL

Anthony Isom appeals the denial of immunity from prosecution pursuant to Protection of Person and Property Act. At a hearing on May 30, 2013, the Honorable Brooks Goldsmith, ruled that the defendant was not entitled to immunity from prosecution pursuant to Section 16-11-440 and 450 of the South Carolina Code for Mr. Isom's actions that resulted in the charge of Murder. This notice of appeal is filed in accord with the ruling in State v. Duncan, 709 S.E.2d 662, 392 S.C. 404.

Date: June 6, 2013


Michael H. Lifsey
Sixth Circuit Public Defender
Post Office Box 1809
Lancaster, SC 29721
Attorney for Appellant
(803) 285-5585

Other Counsel of Record:
Julie Gamburg Hall, Esq.
Assistant Solicitor
Post Office Box 728
Chester, South Carolina 29706
Attorney for Respondent
(803) 377-1141

SIXTH JUDICIAL CIRCUIT
PUBLIC DEFENDER'S OFFICE

CLERK OF COL.
CHESTER CO S

2013 JUN -6 A 10:

104 N. Main Street * Post Office Box 1809
Lancaster, South Carolina 29721
Telephone No.: (803) 285-5585
Fax No.: (803) 285-6085

FILED

June 6, 2013

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: State of South Carolina vs. Anthony Isom
2012-GS-12-442

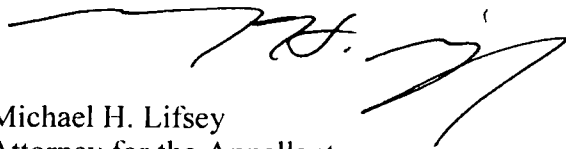
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Sincerely,



Michael H. Lifsey
Attorney for the Appellant

Enclosures

cc: Julie Gamburg Hall Assistant Solicitor

Appellate Defense Division, SC Commission of Appellate Defense

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CLERK OF COL.
CHESTER CO S.

2013 JUN -6 A 10:

APPEAL FROM CHESTER COUNTY
Court of General Sessions

FILED

Brooks P. Goldsmith, Circuit Court Judge

Case No(s): 2012-GS-12-442

The State of South Carolina,

Respondent.

v.

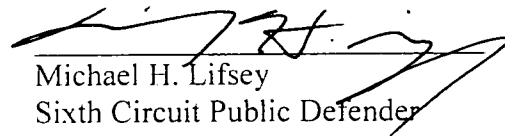
Anthony Isom,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by personally delivering a copy of it to its attorney of record, Julie Gamburg Hall, Assistant Solicitor, at her office at the Chester County Courthouse, Chester, South Carolina, 29706 on June 6, 2013.

Date: June 6, 2013



Michael H. Lifsey
Sixth Circuit Public Defender
Post Office Box 1809
Lancaster, SC 29721
Attorney for Appellant
(803) 285-5585

Other Counsel of Record:
Julie Gamburg Hall, Esq.
Assistant Solicitor
Post Office Box 728
Chester, South Carolina 29706
Attorney for Respondent
(803) 377-1141



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 09, 2014

The Honorable Sue K. Carpenter
PO Drawer 580
Chester SC 29706-0580

REMITTITUR

Re: The State v. Anthony Isom
Lower Court Case No. 2012GS1200442
Appellate Case No. 2013-001244

FILED
2014 JAN 13 P 1:01
CLERK OF COURT
CHESTER CO S.C.

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Julie Gamburg Hall, Esquire
Salley W. Elliott, Esquire
Michael H. Lifsey, Esquire
Robert Michael Dudek, Esquire

Anthony James 386819
I.C.D. CA-31

P.O. Box 205

Ridgeway, S.C. 29472

RECEIVED

JUL 31 2015

MAILROOM
LIEBER CI

The Supreme Court
David E. Shavers, Clerk of Court
P.O. Box 11330
Columbia, South Carolina 29211

FOR LEGAL USE ONLY