

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY RECEIVED  
Court of Common Pleas  
AUG 10 2015

Paul M. Burch, Circuit Court Judge <sup>SC Court of Appeals</sup>

Case no. 2015-001479 RECEIVED

AUG 14 2015

State of South Carolina Respondent,  
v. S.C. Supreme Court  
Charles Jordan Appellant,

DESIGNATION OF MATTER  
TO INCLUDED IN THE RECORD ON APPEAL

Appellant propose the following to be included in the Record on Appeal:

1. Order of march 14, 2015
2. order of July 1, 2015
3. PCR filed August 9, 2013
4. Answer; march 12, 2015
5. Transcript date for August 25, 2003
6. Appellant Exhibits 2, 3, and 4

I certify that this designation contains no matter which is irrelevant to this Appeal.

DATED: August 6, 2015

Charles Jordan  
Charles Jordan  
7901 Farrow Rd. Bldg. 3 Fl. 3  
Columbia, SC 29203

⑤  
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State of South Carolina Respondent,  
v.

S.C. Supreme Court

Charles Jordan Appellant,

[INITIAL] BRIEF OF APPELLANT

Charles Jordan  
7961 Farrow Road  
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Columbia, SC 29203

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## STATEMENT OF THE CASE

On this date on August 25, 2003, Convicted of lewd act upon the indictment of Assault with intent to Commit Criminal Sexual Conduct, Judge Paul M. Burch, on March 16, 2004, Appellant filed an application for post-Conviction relief Case no. 2004-CP-16-00257 (PCR) raising three grounds for relief. (1.) Ineffective Assistance of Counsel; (2.) Involuntary guilty plea; (3.) Illegal sentence, was denied. On November 15, 2004, a hearing was held before the Honorable B. Hicks Harwell. The Appellant was represented by Henry Thadwhite Jr. on December of 2004, Judge Harwell denied the Appellant's PCR. The Appellant appealed this order.

Around December of 2004, Wanda H. Carter of Appellate Defense represented Appellant raising one issue concerning whether trial Counsel was ineffective in failing to explain fully the sentencing consequences in the case. On March 23, 2007, South Carolina Court of Appeals granted the Petition to Relieve Counsel and denied the Petitioner's Petition for writ of Certiorari.

On April 12, 2007, Re: Jordan, Charles v. The State (2004-CP-16-00257).  
Dear Mr. Suggs: The above referenced matter is hereby remitted to the lower Court. A copy of the judgment of this Court is attached.  
v. Claire Allen, Deputy Clerk

On August 10, 2007, Darlington County update Plaintiff's Case ID...2004CP1600257  
On March 16, 2004, Status (E) NAME charge date 00/00/0000 Represents the same original charge Assault with intent to Commit CSC, not the lewd act that was plead to. Trial Judge was without subject matter Jurisdiction to accept the defendant's guilty plea to unindicted charge of lewd act.  
See State v. Smalls 581 S.E. 2d 850 (Ct. of App. 2003)

## Argument Combined

See Campbell v. State 535 S.E.2d 928 (SC 2000) "Lack of Subject matter jurisdiction may not be waived and be raised at any given time included on the Supreme Court.

Campbell does not say Appellant can not be repetitive in pursuing equal protection of the laws especially when each prior Court to this appeal. Including the 2013-CP-16-0678 Court errored and refused submit in writing exactly how, or why and by what legal authority subject matter jurisdiction was/is still retained which in turn caused this present Civil Commitment SCCA 44-48-30 (2)

Appellant argues that he has never received a fair hearing from any prior Court including the last PCR Court 2013-CP-16-0678 for all prior Courts relied upon the prior. Which refused to address the sentencing Courts lack of subject matter jurisdiction.

The proof in this is evident for the record is completely bear of any such discussion, reference, ruling. ie SCRCP, Rule 52 (A.)

This Court must first ask:

1. Did Appellant receive fair and equal protection in all prior review?
2. Did the 2013-CP-16-0678 PCR Court or prior PCR Courts on White v. State review err by not directly address the Sentencing Courts lack of subject matter jurisdiction

The fact is no prior Court has addressed either of the foregoing questions of its predecessor; which in turn makes this appeal not repetitive in this Court; SCRCP Rule 72.

## CONCLUSION

Where is there fair process when the Court provides equal protection and treatment to one and the same protection is not given to the other person.

For this Court to afford equal protection is either to remand the issue of subject matter jurisdiction to the sentencing Court in accordance to Smalls or with draw Smalls Supra.

### Prayer

Wherefore, this Court should order the issue of subject matter jurisdiction remanded pursuant to Smalls to the original sentencing Court of August 25, 2003.

Respectfully Submitted by,

DATED: August 6, 2015

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PROOF OF SERVICE

I certify that I have served the "Respondent's Initial Brief and Designation of Matter to be included in the Record on Appeal, by depositing a copy of it in the United States mail, postage prepaid, address to SC Attorney General, Alan Wilson, P.O. Box 11549 Columbia, S.C. 29211 on this.

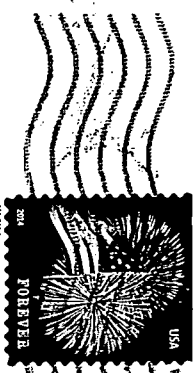
DATED: August 6, 2015

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