

The Supreme Court of South Carolina

The State, Respondent,

v.

Jimmy Dale Cagle, Petitioner.

Appellate Case No. 2015-001303
Lower Court Case Nos. 2013GS2201088 and
2013GS2201085

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SC Court of Appeals

ORDER

The appeal in this matter is currently pending before the South Carolina Court of Appeals.¹ To the extent that petitioner may be asking that the appeal be certified for review by this Court under Rule 204 of the South Carolina Appellate Court Rules, that request is denied. Further, this Court will take no action on the other issues raised in petitioner's *pro se* documents since these issues should be raised to the Court of Appeals.


C.J.
FOR THE COURT

Columbia, South Carolina

June 22, 2015

cc: Margaret Ann Kneece, Esquire (with copy of *pro se* documents)
Richard Dana Todd, Jr., Esquire (with copy of *pro se* documents)
The Honorable Jenny Abbott Kitchings (with copy of *pro se* documents)

¹ Before the Court of Appeals, the Appellate Case Number is 2015-000345.

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Jimmy Dale Cage 299430

Appellant

v.

The State of South Carolina

County of Georgetown, S.C.

Lower Court Case No. 2013GS2201088 and

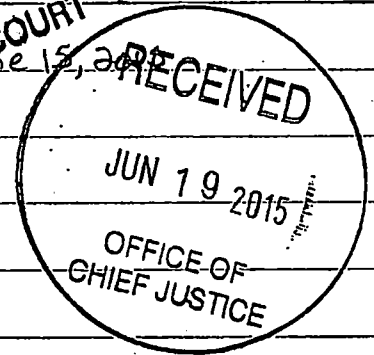
2013GS2201085

Motion of Writ and or Relief

Comes now the Appellant to show issues for Appeal, and to have relief in a case where the court erred by bending and/or breaking the law of due process and the Constitution that has been put in place as a safeguard for all to uphold. Please take notice at this time that the above referenced name Jimmy D. Cagle is requesting your assistance in this case, what the courts did was illegal and unjust. I've been deprived of life and liberty.

On June 17 2014 I was sentenced to two 3 year sentences to run consecutive. Although the courts suspended them, I was told by my lawyer and the judge to report to Philadelphia, Pa. to enroll into a program. There was no probation ordered at that time. I was then let out of jail and was told by my lawyer to leave South Carolina and be in Philadelphia the next day. So I did as I was told. When I got there it was not the same program

SC SUPREME COURT
June 15, 2015



that my lawyer and I talked about. The head of the program told me that it was an open program and that I did not have to stay so I left and was picked up and arrested. The warrant was ordered by the assistant Clerk of Court. It was an invalid arrest warrant. The warrant needed the signature of a judge for it to be a legal warrant. A bench warrant must be handed down from the bench and by a judge not a clerk of court. A warrant without a judge's signature is null and void. This is unlawful and it violates due process. The judge in this case failed to do his duty to establish any continuing jurisdiction for the state of South Carolina. He suspended the sentence with no probation. He then ordered me out of state to do time in a privately run program not a state program. There was no communication between the S.C. courts and the Philadelphia courts for me to come there. I was not obligated or bound to South Carolina after this sentence was handed down to me. South Carolina did not have the jurisdiction to detain me or imprison me. I have not broken any laws in Philadelphia, nor was I a citizen of Philadelphia at the time. My lawyer knew that this was illegal and my lawyer did nothing to stop it. It was one big conspiracy to get me out of the state. Some may call it a error of the court. However it is not a error of the court, this sentence was handed

down knowingly that it was illegal. When a person does something wrong and illegal it becomes a crime, not an error. The judge and my lawyer had an obligation and duty to know the law. I was picked up out of state solely by the assistant clerk of courts signature on the warrant. That was issued however it was never signed by a judge of which violates proper procedure and also due process of law. I was forced under duress to return to the custody/control of South Carolina. Where I was then forced under duress to appear pro se at my second sentence hearing. Where I was then given two 3 year sentences to run consecutive. I did not have a lawyer. Margaret Ann Kneese was appointed pro bono and my lawyer for my plea on June 17 2014 where I was sent out of state. However when I was illegally arrested and resentenced in September, I had no lawyer so I was forced to go pro se. Which is all so unconstitutional. As of this day I am still without a lawyer. I have filed lots of motions and letters asking for help but have not got no replies back.

I submit this to the court and courts alike that I have been arrested, detained and now imprisoned unlawfully by the State of South Carolina and the 15th Judicial System. The State of South Carolina

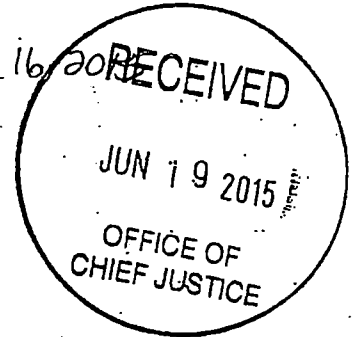
did not have the legal jurisdiction to sentence me to complete a program within another state nor did South Carolina have the jurisdiction to have me remanded in another state by an order solely by the assistant clerk of court. The bench to have me picked up out of state and remanded was never authorized by a judge. It was a fraud and a conspiracy.

On September 19, 2014, I filed a notice of Appeal with the Law Courts. They would not even communicate with me. So I wrote to the South Carolina Supreme Court. And on February 25, 2015, the court responded and told me that my case was transferred to the Court of Appeals by the South Carolina Supreme Court.

I have contacted the appeals court by the US Postal Service, by phone and through family members, but to no avail no one knows what I am talking about. I have also contacted the Lower Courts, the Attorney General's Office and the Governor's Office. So I feel at this time that this motion is appropriate and has merit and is in the right courts. I am asking this court to honor this motion and to take sole custody and control and jurisdiction of this matter and to make a ruling that you deem necessary. Jimmy Celyo #299436

Jimmy Dale Cagle 299430
Appellant

June 16, 2015



The State of South Carolina
Lower Court Case No. 2013GS2201088 and 2013GS2201085

Motion to Reconsider

On June 17 2014 my lawyer was Margaret Ann Kneece pro bono. I was sentenced to two 3 year sentences. On June 17 2014 those sentences were suspended with no probation. As of that day she told me that she was no longer my attorney and that her job was done. I was never appointed another attorney. I do not have the money to hire an attorney. So I am pro se at this time. So I am asking this court to take jurisdiction of this matter, and hear my motion and grant me relief. While I was out of custody I was rearrested on the suspended sentences about 60 days later. I had to appear in court without an attorney present.

On June 7 2015 I failed a motion with this court asking for relief in this case. On June 11 2015 the courts responded back and told me that I had counsel in this matter that is pending in the South Carolina Court of Appeals. The lawyer that was appointed pro bono tells me as of June 17 2014 that she no longer is my attorney, and that her job is done. This is the lawyer Margaret Ann Kneece that gave me ineffective counseling on my situation in this case. She is reason one for this appeal. Also she does not represent me as of June 17 2014, when I accepted the plea is when all this mess started. I have contacted the Appellant Defense, and the Appeals Court and the Supreme Court asking and

and begging for an attorney on this appeal process. Margaret Ann Kneece is not my attorney nor do I have an attorney I am pro se. I have filed all the paperwork in my defense on this. I would like the courts to look into this matter. I feel as though that this is part of Ms. Kneece's continuing conspiracy to block any motions or appeals, on my behalf that may show the wrong that she, the judge and the State Attorney for the wrong they did in this case in the lower courts. So with that being said I would humbly and respectfully request that she be removed from any and all documentation that says that she may be my attorney, which she is not, she is solely the defendant in this case in which I am respectfully appealing and asking the courts to see their wrong doings.

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OFFICE OF
CHIEF JUSTICE

Dear Judge Tolal

I am writing to ask for some
much needed help. I was given
two (3) sentenced that was suspended
on June 17th 2014. I was then ordered
out of state to do time in a program
in Philadelphia, Pa. I left the program
and was picked up on a fugitive
warrant that was signed by the
Clerk of Court not judge.
I was then brought back to
S.C and two (3) year sentence.
I filed a notice of Appeal on
September 19 2014 but to no
avail. I then wrote this court
on February 25th 2015 and was
told that my case was transferred
to the S.C Court of Appeals.
Well the Appeals court has not
and will not even write me
back. So then I wrote back
to this court wher I am being
told that I have a lawyer
so they cannot help me.
I do not have a lawyer

Margaret Ann Kneece, was appointed Pro bono by the Lower Courts to represent me for a plea only. On June 1st her duty was over as my lawyer. I was then re-arrested about 45 to 60 days after and was resentence without a lawyer I had to go pro se.

I then filed a appeal that no one will honor. I was miss lead and miss represented by my lawyer at that time and I would not be in prison at this time.

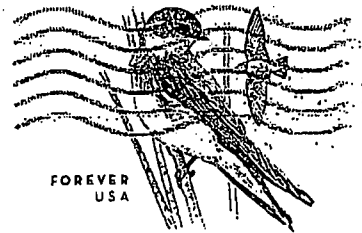
I have been asking for a lawyer to help with my Appeal. I wrote Division of Appellate Defense seeking help but to no avail.

Margaret Ann Kneece is not my lawyer. Nor has she ever been on this Appeal. Can you look in to this. Some one is trying to keep this all hid from the courts. But I know you will get to the bottom of this Thank you so much Jerry Ceeze

Jimmy Cagle 294430
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Fairfax S.C 29827

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Supreme Court of S.C.
Chief Justice Jean Toal

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