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STATE of South Carolina

IN THE SUPREME COURT

S.C. Supreme Court

Appeal from GREENVILLE County

G. EDWARD WELMAKER, Circuit Court Judge

CASE No: 2015-000595

THE STATE Respondent

vs.

ERICK HEWINS Petitioner

Motion to STRIKE ANY ANSWER, MOTION OR PLEADING and hold STATE in default due to NOT responding in a timely MANNER.

HOWEVER THE RESPONDENT fails to respond within the specified period thus has prejudiced PETITIONER by delaying in order to RECEIVE THE RELIEF requested in the motions PETITIONER NOW MOVES for this COURT to STRIKE ANY MOTIONS OR ANSWERS.

THE PETITIONER filed motion asking the court to dismiss RESPONDENT WRIT of CERTIORARI on the grounds of SHAM FRIVOUS FRAUD ON THE COURT and without legal MERITS

PETITIONER also motion for appeal Bond on July 13, 2015 THE COURT ORDER RESPONDENT did NOT REPLY OR ASK for EXTENSION. PETITIONER is entitled for RELIEF in his favor NOT to

would be a FUNDAMENTAL MISARRIAGE of justice WE ALL KNOW THE PURPOSE of justice ~~is~~ is to RIGHT WRONG it's ROOT PRINCIPLE

ALWAYS BE ACCOUNTABLE TO THE JUDICIARY FOR A MAN'S IMPRISONMENT IF THE IMPRISONMENT CANNOT BE SHOWN TO CONFORM WITH THE FUNDAMENTAL REQUIREMENTS OF LAW, THE INDIVIDUAL IS ENTITLED TO HIS IMMEDIATE RELEASE. THE BASIC FOR EACH OF THOSE MOTIONS FOLLOWS. (1) THE COURT OF APPEAL FINDINGS ON CONSENT HAS BEEN REJECTED BY THE UNITED STATES SUPREME COURT AND IN SOUTH CAROLINA SUPREME COURT RECOGNIZE CONSENT ALONE IS NOT SUFFICIENT MUST LOOK AT THE TOTALITY OF THE CIRCUMSTANCE (2) THE COURT OF APPEALS ERROR BY NOT FINDING OFFICER GARDNER EXCEEDED THE SCOPE ALSO ERROR IN FINDING THIS WAS CONSENT. (3) HAD THE COURT OF APPEAL APPLIED THE TOTALITY OF CIRCUMSTANCE PETITIONER WOULD HAVE BEEN GRANTED RELIEF. (4) THE STATE FROM THE OUTSET IS WITHOUT MERIT CAUSING BOTH LOWER COURTS TO COMMIT FRAUD ON THE COURT. (5) HAD APPELLATE LAWYER NOT WITHHELD TESTIMONY EVIDENCE AND FULLY BRIEF ^{ALL LEGAL} IN HIS FAVOR. (6) PETITIONER TRIAL TRANSCRIPT REVEALS THAT OFFICER GARDNER EXCEEDED THE SCOPE OF CONSENT AND WAS PRESERVED FOR REVIEW TRANSCRIPT PAGE 155 LINE 21 TRIAL TRANSCRIPT PAGE 160 LINE 14-16. (7) FINALLY PETITIONER SUBMIT THE OFFICER IN THIS CASE DID NOT HAVE JURISDICTION OVER

This parking lot, it requires sign to be posted § 23-1-15 for all these reasons
petitioner is entitled to relief in his favor
which he respectfully showed the court.
(3)

Conclusion

PETITIONER REQUEST this court to
STRIKE ANY ANSWERS MOTION AND HOLD STATE
IN DEFAULT DUE TO NOT RESPONDING IN A
TIMELY MANNER HOWEVER THE RESPONDENT FAILS
TO RESPOND WITHIN THE SPECIFIED PERIOD THUS
HAS PREJUDICED PETITIONER BY DELAYING IN
ORDER TO RECEIVE THE RELIEF REQUESTED IN
THE MOTION. NOT TO GRANT RELIEF WOULD
BE A FUNDAMENTAL MISCARRIAGE OF JUSTICE.
THE PURPOSE FOR JUSTICE FOR JUSTICE IS TO
RIGHT WRONG.

Respectfully Submitted
PRO SE: FRICK HEWINS
Eric Dennis

(4)

State of South Carolina

In the Supreme Court

CERTIORARI To Richland County

HONORABLE G. EDWARD WELMAYER Circuit
Court judge

Appellate case, No. 2015-000525

The State Respondent

vs.

Erick Hewins Appellant

proof of service

I Erick Hewins certify I have served motion to strike on respondent by deposition one copy of same in the United States mail postage prepaid, addressed to Mary W. Leddon/Susannah K. Cole office of the Attorney General State of South Carolina post office Box 11549 Columbia, South Carolina 29211

I further certify that all parties required by rule to be served have been served this 19 day of Aug. 2015

Pro se: Erick Hewins

Erick Hewins

McCormick Corr. Inst.

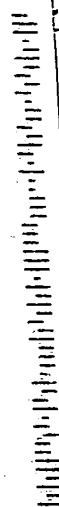
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McCormick, S.C.

29899

Erick

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McCormick, SC 29899



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