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DEC 14 2015

S.C. SUPREME COURT

The Supreme Court of South Carolina
Daniel E. Shearouse, CLERK OF COURT
Post Office Box 11830
Columbia, South Carolina 29211

December 5, 2015

Dear Mr. Shearouse:

Applicant has provide a written explanation as to why this determination by ~~the~~ lower court Judge Burch was improper. Applicant has made A sufficient showing ^{IN} this motion and petition.

Therefore he provide the explanation required by Rule ~~243~~^{243(C)} within twenty (20) days ~~that~~ was order by the Supreme Court.

Very truly yours,

Russell Dawson

Lieber Correctional Institution

P.O. 205

Ridgeville SC 29472

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The Supreme Court of South Carolina

DEC 14 2015

S.C. SUPREME COURT

Russell Dawson-161707 } C/A NO: 2015-002368
 Prose Plaintiff - Innacont; } Lower Court Case No. 2013-CP-1301003
 -vs- } Supplemental - Amendment to. Prose
 State of South Carolina And } by motion For ~~supreme~~ Supreme Court Judge
 Darlington And Florence, } to Appoint him (GAL) Counsel to
 Counties; } protect his Rights to release by
 Defendants: } his mental status AND his Indigent
 and the Jeopardy Clause violations...

1). Prose seeks by motion-mandamus For this Honorable ~~supreme~~ Supreme Court to Appoint him A (GAL) Lawyer to help get his - Arguments before the Court. By Prose has mental problems AND IS housed in mental ILL A-5 unit; AS Court knows Prose has been in mental ILL institutions since he was 6 years old. AND has Indigent; To. see Thompson, 88 S.E.2d 354 (S.C. 1955) Judge, Clerk, has to Appoint (GAL) for mental incompetent (a) (b) (c) AND imprisoned Prose mandatory, see code 15-320, 366, 370 mandatory Ct. do so, are the Judgment. will be void., AND see Gordon, 409 S.E.2d 793 (S.C. 1991) mandatory 55, 2-s.c. code that (GAL) be given person listed mental ILL or incompetent to appear on their behalf AND IF Judgment is entered without are ITS void AND can be reopen AND vacated; see Jeunings, 417 S.E.2d 646 (S.C. App, 1992) (GAL) is an arm of the Court to protect incompetent; see Dixon, 197 F. Sapp. 798 (S.C. 1961) duties of (GAL) to protect; see Boddie, 401 U.S. 371 (1971) mandatory State give indigent counsel and can't deny them access to their Courts);

2]. Prose states There's proof of his mental status IN PCR-01-CP-B-008
Tr. Tran, 10 lines 1-22, prose can't read nor write and does not know the law,
And has a low IQ Tr. Tran. page 23 - Feb 6-7, 1990, before Judge CH. Harris;
And IN AND OUT of State ~~hospitals~~ And mental control drugs used up prose
all his life;; The tests used by PSY-DR. Montgomery - M. Nightham are
are no longer used see Tr. trans. page 11 lines 7-9, because it ~~doesn't~~
work.

And 3). And PCR falls under, Titley, Sapla, we hold Supreme Court;
Prose PCR is not successive AND ~~can~~ ^{MAY} be heard; AND NO TIME BAR
~~can~~ can apply to prose, BY his mental & low IQ, uneducated in
Law status (S); S.C. Code 15-3-40 (3), & 50 AND 60 - [1962 - 9, 10 - 104],
ERICKS, 1 S.E. 884 (S.C. 1887) Statute of Limitations. IS TOLL when there's
disability of 2 or more, mental Ill. AND imprisoned until they cease to
exist);;

4]. And the secondary violations can not be swept aside RAISED AND
proven in prose's reply pages 1-6 of 12 pages,,) NOT the defected
2 Indictment, can't waived aside either ptimes, 564 S.E. 2d 163 (SC
2002) Court has no Jurisdiction, TO convict defended unless there
a proper indictment by grant jury; And see; Brown v. Roe, 279 F. 3d
742 (9th Cir, 2002) prose has little education, or is illiterate Equitable
tolling applies) also; Laws, 351 F. 3d 919 (9th Cir, 2003) (prose mental
incompetence or placed in admin, seg. Jusifys equitable tolling, are
~~lack of access~~ ~~to adequate legal advise and materials~~);
And see pages 1-12 arguments ~~IN THE SUPREME COURT~~ AND 5] prose prays the Supreme
Court Judge will honor his status AND grant relief. -

Date December 5, 2015,
Lieber Correctional Institution
A05

Respectfully Submitted;
prose - Russell Dawson
Russell Dawson #161707

The Supreme Court South Carolina

Russell Dawson #161767
Applicant,

C/A NO: 2015-002368
Lower Court Case No: 2013-CP-~~161767~~ 161003

vs.

State of South Carolina
Respondent,

Certificate of Service

I, Inmate Dawson SCD #161767 am submitting this enclosed legal document here of to the office of Clerk of Court. ON THIS ~~5~~ 5, OF December 6, 2015, Here to fore do I ASK that I be afforded sent a clocked-in copy of this notartied once it is received by ~~the~~ your Office!

I Thank you in Advance,

Very truly yours,
Russell Dawson

Lieber Correctional Institution
205
Ridgeville, SC 29472

December 5, 2015

~~161767~~

~~FILED~~
~~FILED~~

SUMMATION OF FACTS IN EVIDENCE:

THE SOUTH CAROLINA CODE OF LAW NAMELY THE STATUTE, MUST BE PLACED ON THE INDICTMENT, IN ORDER TO MAKE THE INDICTMENT SUFFICIENT. IF IT IS NOT ^A STATUTE PLACED ON THE INDICTMENT, THE INDICTMENT HAS NOT BEEN IDENTIFIED ACCORDING TO THE LAW THAT WAS VIOLATED.

THUS-FAR, MAKING THE INDICTMENT INSUFFICIENT, TO THE AFORESAID PROPER CAUSE. (IDENTIFICATION OF THE CRIME ON THE LEGITIMATE LEGAL DOCUMENT) DUE TO THE FACTS THAT THE INDICTMENT WAS NOT IDENTIFIED ACCORDING TO THE LAW, BY HAVING THE LEGITIMATE CODE OF LAW PLACED ON THE INDICTMENT, THE CASE SHOULD HAVE NEVER BEEN TOOK TO COURT.

BECAUSE THE INDICTMENT WAS SAID TO BE ARMED ROBBERY, THE STATUTE WAS SUPPOSE TO MAKE THE INDICTMENT LEGAL AND SUFFICIENT. JUST BECAUSE THE INDICTMENT SAID ARMED ROBBERY, NOT HAVING THE STATUTE ON THE INDICTMENTS MADE THE ENTIRE CASE, AN SERIOUS ERROR OF LAW.

SO, AT THIS POINT AND TIME I AM ASKING THAT, MY ENTIRE CASE BE DISMISSED. BECAUSE THE ABOVE IS PROOF THAT DARLINGTON COUNTY GENERAL SESSIONS COURT DID NOT HAVE SUBJECT MATTER JURISDICTION TO TAKE APPLICANT TO TRIAL IN THERE COURT. APPLICANT CONVICTION ~~IS IN~~ ^{IS IN} FACTS ILLEGAL, AND UNCONSTITUTIONAL AN AGAINST ~~THE~~ THE LAW.

SUMMATION OF FACTS IN EVIDENCE!

- (1) IT IS THE JOB AND DUTY OF THE SOLICITOR'S OFFICE TO INCLUDE A STATUTE IN THE BODY OF AN INDICTMENT.
- (2) THE FACT THAT NO INDICTMENT FOR ARMED ROBBERY AGAINST ME CONTAINS A STATUTE NUMBER MEANS THAT THE GRAND JURY WAS "ASSUMED" TO BE EXPERTS AT LAW AS THEY HAVE NO REFERENCE BY WHICH TO DEFINE "ARMED ROBBERY" (STATUTE).
- (3) THIS IS CLEARLY AN ABUSE OF POWER BY THE SOLICITOR'S OFFICE AS WELL AS OF THE GRAND JURY FOR "TRUE BILLING" AN INDICTMENT WITH NO STATUTE NUMBER.
- (4) INDICTMENT FOR ARMED ROBBERY AGAINST ME SHOULD BE THROWN OUT OF THIS COURT IMMEDIATELY, AND I SHOULD BE RELEASED AND NOT RETRIED.
- (5) THIS IS SERIOUS CONSTITUTIONAL RIGHTS VIOLATION OF "DUE PROCESS".
- (6) ^{Applicant} ~~THE~~ INDICTMENTS IS HANDWRITTEN "TRUE BILL," WITH NO COURT SEAL STAMP "TRUE BILL".
- (7) THE INDICTMENTS ^{OR} INVALID AND NOT PROPER IN FORM IN THAT IT DOES NOT REFLECT THAT IT WAS THE ACTION OF A GRAND JURY.

NOTE: BASED ON EVERYTHING AS STATED ABOVE, I SHOULD BE RELEASED IMMEDIATELY. I HAVE CERTIFIED COPIES OF MY INDICTMENTS TO PROVE ABOVE STATED FACTS, TO VERIFY MY CLAIM, WHICH I AM ENCLOSING WITH THIS LEGAL DOCUMENT.

The State of South Carolina

INDICTMENT FOR ARMED ROBBERY,
ROBBERY AND GRAND LARCENY

County of DARLINGTON

At a Court of General Sessions, convened on the 17TH day of JULY
19 89, the Grand Jurors of DARLINGTON County present upon their oath:

COUNT ONE—ARMED ROBBERY

That RUSSELL DAWSON
did in DARLINGTON County on or about the 15TH day of MAY
19 89, while armed with a deadly weapon, to wit: A PISTOL
feloniously take from the person in the presence of HELEN JORDAN
by means of force or intimidation goods or monies of the said MAJIK MARKET
such goods or monies being described: U. S. MONIES AND PERSONAL BELONGINGS

COUNT TWO—ROBBERY

That _____
did in _____ County, on or about the _____ day of _____
19 _____, feloniously take from the person or presence of _____
by means of force or intimidation goods or monies of the said _____
such goods or monies being described: _____

COUNT THREE—LARCENY

That _____
did in _____ County on or about the _____ day of _____
19 _____, feloniously take and carry away the goods and monies of _____
of a value of _____
described: _____
with intent to deprive the owner permanently of such goods and monies

Against the peace and dignity of the State, and contrary to the Statute in such case made and provided.

John B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.
Charles McBride
Solicitor

TRUE CERTIFIED COPY,

WARRANT #: C389 RLL
DOA: 05/17/89

Witnesses

BOBBY H. JAMES/DGSD

B. H. James

197

Verdict

Foreman

89-GS-16 697

The State of South Carolina

County of DARLINGTON

COURT OF GENERAL SESSIONS

JULY

Term, 19 89

P.D. **THE STATE**

VS.

RUSSELL DAWSON

Russell Dawson

INDICTMENT FOR

Armed Robbery.

[Redacted]
[Redacted] 7-17-89

[Signature]

Foreman of Grand Jury

MOGAW PRINTERS

COLUMBIA, S. C. 29205

The State of South Carolina

INDICTMENT FOR ARMED ROBBERY,
ROBBERY AND GRAND LARCENY

County of DARLINGTON

At a Court of General Sessions, convened on the 17TH day of JULY
19 89, the Grand Jurors of DARLINGTON County present upon their oath:

COUNT ONE—ARMED ROBBERY

That RUSSELL DAWSON
did in DARLINGTON County on or about the 15TH day of MAY
19 89, while armed with a deadly weapon, to wit: A PISTOL
feloniously take from the person in the presence of SAMMIE NUTTER

by means of force or intimidation goods or monies of the said FAST FARE CONVENIENCE STORE
such goods or monies being described: U. S. MONIES AND PERSONAL BELONGINGS

COUNT TWO—ROBBERY

That _____
did in _____ County, on or about the _____ day of _____
19____, feloniously take from the person or presence of _____
by means of force or intimidation goods or monies of the said _____
such goods or monies being described: _____

COUNT THREE—LARCENY

That _____
did in _____ County on or about the _____ day of _____
19____, feloniously take and carry away the goods and monies of _____
of a value of _____
described: _____
with intent to deprive the owner permanently of such goods and monies.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Clendon McNeill
Solicitor

TRUE CERTIFIED COPY
Sgt. B. S. S. J. J.
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

WARRANT #: C389810
DOA 05/17/89

89-GS-16 696

The State of South Carolina

County of DARLINGTON

COURT OF GENERAL SESSIONS

JULY Term, 1989

P.D.
THE STATE

vs.

RUSSELL DAWSON

204

Witnesses

BOBBY H. JAMES/DCSO

B. H. James

Verdict

Foreman

INDICTMENT FOR

Armed Robbery.

Paul R. ... 7-17-89

St. ...

Foreman of Grand Jury

McGraw PRINTERS

COLUMBIA, S. C. 29205

Mr. Russell Dawson #11757

Lieber Correctional Institution

~~11757~~ P.B. 205

Ridgerville, SC 29472

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MAILROOM
LIEBER

"
Open Immediately"
"

The Supreme Court of South Carolina
Daniel Shearouse, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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S.C. DEPARTMENT OF CORRECTIONS