

015CP-110868

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IN THE COURT OF COMMON PLEAS

CHEROKEE CIRCUIT

STATE OF SOUTH CAROLINA

DEC 28 2015

SC Court of Appeals

Joe Dean Crawford,  
36 Jeffress Avenue  
Asheville, North Carolina  
Appellant/Petitioner.

*[Handwritten signature]*

v.

South Carolina,  
Appellee/Respondent.

FILED IN THE OFFICE  
CLERK OF COURT  
2015 NOV 30 P 4: 26  
BRANDY W. MCBEE  
CHEROKEE COUNTY, SC

APPEAL FROM MAGISTRATE of CHEROKEE COUNTY

Citation Number 86962GF on Jury Demand

NOTICE OF APPEAL

Within ten (10) days of entry of judgment by an appointed Magistrate of the Cherokee County Criminal Court, the Defendant self-named as *pro se* Defendant does file Notice of Appeal and offers the fees for said appeal.

GROUND S

The Magistrate's Court entered a conviction based on a plea that was neither lawful nor voluntary. Defendant appeals. The record fails to support the action made in error. Defendant has appealed.

Magistrate's Court proceeded to judgment without providing defendant notice of waiver of his rights while refusing to recognize or rule on defendant's pretrial motions that included motions for needed discovery, motions to suppress, and motion for continuance pending discovery or dismissal for failure to allege an offense occurring within South Carolina highway right of way.

Refusal to dismiss action after arresting officer failed to file an affidavit within a certain time and in a certain manner as provided by South Carolina rules is reversible error. Failure to apply rules to criminal defendant denied him civil rights to due process. Refusal of State to provide exculpatory evidence before day set for trial was also denial of defendant's rights guaranteed by law. No transcript was made and the record supports defendant's right to appeal and reversal or as is proper for this Honorable Court, including instructions to dismiss.

MEMORANDUM

South Carolina courts are prohibited from entering involuntary pleas to criminal causes. See: *Boykin v. Alabama*, 395 U.S. 238 (1969); *Henderson v. Morgan*, 426 U.S. 637 (1976). "A waiver of the privilege against compulsory self-incrimination guaranteed by the Fifth Amendment and applicable to the States by the Fourteenth; of the right to trial by jury, and the right to confront one's accusers -- all of which are involved when a guilty plea is entered in a state criminal trial -- cannot be presumed from a silent record". Pp. 395 U. S. 242-243.



CERTIFICATE OF SERVICE

This is to certify that a copy of this Notice of Appeal is served upon the Honorable Robert Barton Howell on this November 30, 2015 and within 10 days of entry of order concluding the proceeding by entry of order of November 20, 2015. Service is complete upon delivery of the same to the offices of the Chief Magistrate located in the Cherokee Magistrate's Court.

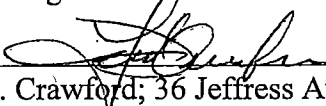
The Honorable Robert Barton Howell  
Cherokee Magistrate's Court  
Post Office Box 336  
Gaffney, SC 29342-0336  
Office: (864) 487-2533  
Fax: (864) 902-8425  
Chief Magistrate

RECEIVED

DEC 23 2015

SC Court of Appeals

FILED IN THE OFFICE  
CLERK OF COURT  
2015 NOV 30 P 4: 26  
BRANDY W. MCBEE  
CHEROKEE COUNTY, SC

  
Joe D. Crawford; 36 Jeffress Avenue; Asheville, North Carolina 28803

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MEMORANDUM

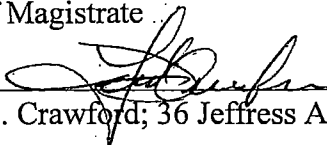
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BRANDY W. MOBBE  
CHEROKEE COUNTY, SC

In the  
Cherokee County Court of Common Pleas  
7th Circuit at Gaffney, South Carolina  
sitting as an appeals court for  
the Magistrates Court Case No. 86962 GF

State of South Carolina  
vs.

Joe Dean Crawford  
36 Jetfress Avenue  
Asheville, NC 28803

Notice of Service of  
Notice of Appeal (Rule 10) (Rule 203(d)(1)(B))

FILED IN THE OFFICE  
CLERK OF COURT  
2015 DEC 21 3:11 PM  
BRANNON W. DOBBE  
CHEROKEE COUNTY, SC

By Rule 262(a)(1) and Rule 262(a)(2), prose appellant  
files and by Rule 262(b) serves a copy by mail on this  
21<sup>st</sup> and it being a Monday by mailing and personal delivery  
of the same and copy filed November 30, 2015 and within 30  
(thirty) days of event being appealed and explained in summary  
under attached heading as 'Grounds'; Service completed with  
mailing and delivery to the office of the 7th Circuit Solicitor  
as Hon. Barry Barnett at 125 E. Floyd Baker, #6; Gaffney, SC  
29340. As this is an appeal under Rule 203(d)(1)(B)(IV); a copy is  
filed with the Clerk of the Court of Appeals by completion on mailing.

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DEC 23 2015  
SC Court of Appeals

12/21/15  
36 Jetfress Avenue  
Asheville, NC 28802

cc: Clerk, Magistrates' Court  
C. Sub