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S.C. SUPREME COURT

State of South Carolina

In the Supreme Court

Appeal from Greenville Cant

The Honorable Ty. Edward Welmaker, Circuit Cant judge

Appellate Case no. 2015-000595

The State Respondent

V 2015-000595

Erick E. Hewins petitioner motion to expedite

Rule 3.2

The petitioner Erick Eton Hewins hereby moves this honorable Court upon a motion to expedite due to respondents deliberate attempts to delay and trick the Court in this matter. Brief of respondent page 4 wants the Court to think officer Hall parked the vehicle which is not true, also respondents brief is deliberate disregarding petitioner issues and arguments 1,2,3 in light of totality of the surrounding circumstances and officer Sgt Cothran testimony.

Ms. Newman and petitioner testimony had Court of appeals applied would require relief cause officer Sgt Cothran Contradicted officer Hardner account of the incident, Respondents brief trial in Court of appeals, Tactic is lieing by omission or Commission being deliberately Vague by disclosing only the information that benefits you while withholding other important information, often by leaving out important details, Twist, facts, and distort situations by shifting the emphasis onto minor facts, while omitting Crucial parts of the story believe that the truth works against your best interests and act accordingly. Being intentionally uncertain of times

edit stories to give a faulse general impression that you were the victim instead of the victimizer. You are being by omission when you deliberately believe only you know what is important to disclose and what isnt and that is what respondents brief demostrate. Court and the officers in this case has the quality of being untrustworthy undermining the important questions presented to insure that the protection of the state and federal Constitution are respected and maintain the integrity of the administration of justice. However one of Court of appeals important duties was to give careful Scrutiny to practices of goverment agents when they are chanllenged in cases now before Supreme Court.

In the instat case petitioner only protection from an illegal search was the agents personal determination of probable cause Johnson v. U.S. 333 U.S 10 (1948) also see McDonald v. United States 335 U.S 451 (1948) Absent some grave emergency the fourth ammendment has interposed a magistrate between the citizen and the police. The right of privacy was deemed to precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. power is a heady thing and history shows that the police acting own their own account cannot be trusted

Florida v. Boyer 460 U.S 491 The state has the burden of proving that the necessary consent was obtained and that it was freely and voluntarily given, a burden that is not satisfied by showing a mere submission

to a claim of lawful authority Johnson v United States 333 U.S 1013, 68 S.ct 367, 368 92 L.ed 436 (1948) Amos v United States 255 U.S 313, 317 41 S.ct 266, 268, 65 L.ed 654 (1921) because we affirm the Florida Court of appeals Conclusion that Royer was being illegally detained when he Consented to the Search approximately 15 minutes had elapsed from the time the detectives initially approached respondent until his arrest upon the discovery of Contraband the Consent was tainted by the illegality and was ineffective to justify the Search, However not only had Royer been Seized when he gave his Consent to Search his luggage but also that the bounds of an investigative Stop had been exceeded. In His view. the Confinement in this case went beyond the limit restriant of a Terry investigative Stop and Royer's Consent was thus tainted by the Illegality, A Conclusion that required reversal in the absence of probable Cause to arrest. The question before us is whether the record warrants that Conclusion State v Williams 571. S.Ed 703 (S.C app 2002) Citing Brown v State 188 Ga. app 372 S.E 2d 514 (1988) proof of a Voluntary Consent alone is not Sufficient. The relevant factors include the temporal proximity of the Illegal Seizure and Consent intervening Circumstances and the purpose and flagrancy of the official misconduct Brown 372 S.E 2d 516 In the instant Case we need not to determine whether Williams Consent was Voluntary because the record clearly reflects it was obtained through officer Blajszaks exploitation of the unlawful detention. Although the trial Court failed to reach the issue of Consent. The Record

unquestionably supports finding williams consent invalid. Henry v united states 361 u.s 98 (1959) arrest on mere suspicion collides violently with the basic human right of liberty. It is necessary to determine whether at or before the officers interrupted the two men and restricted their movement they had probable cause to believe that a crime had been committed the fact that afterward contraband was discovered is not enough.

An arrest is not justified by what the subsequent search discloses. Sibron v New York 392 U.S 40 (1968) Deliberately furtive actions and flight at the approach of strangers or law officers are strong indicia of mens rea, and when coupled with specific knowledge on the part of the officer relating the suspect to the evidence of crime, they are proper factors to be considered in the decision to make an arrest furthermore in the instant case now before this court was alot of speculating what was going on in the parking lot officer testimony. It could have been a car break in or a drug deal or a prostitution meeting. Then went to the speculating of a possible parking lot, parking violation, or stolen vehicle. Additional the officers in the instant case was seeing how far the court would let them fabricate in petitioner trial transcript proves just that. Trial court and court of appeals use consent for a sword in a shield and respondent continue to use this sword when it was withdrew at trial by solicitor.

Ms. Monts utterance if keen attention is giving to the officers testimony will show they are not truthful police officers. In the words of justice Douglas, the lone dissenter in Terry

warned that there have been powerful hydraulic pressures throughout our history that bear heavily on the Court to water down Constitutional gurantees and give the police the upper hand 392 U.S 34, 88 S.ct 1889. Those hydraulic pressures are readily apparent in the Ok Court of Court of appeals case furthermore it's baffling that Court of appeal affirm trial Court when the officer in this case who did the detention testimony was on cross transcript page 216 line 25 approached them had they Committed ~~any~~ Criminal violations not that I could see answer transcript page 217 line 18-20. It is not illegal to be in a hotel parking lot line 21. A line 1-3 the parking was suspicious because it could be hiding a stolen licence plate but infact any information gathered led him to believe the car was stolen. So if the car was not stolen in Sgt Cothran arrived on walked all the way to the front desk of the hotel, Then all the way back to room 237. and spoke to the female in room 237.

Then came in see a Terry search roughly 20 minutes there was no reason to conduct a Terry frisk for a weapon because of fear

Conclusion

For the reasons discussed above it's time for no more turning the blinded eye in the table to turn in another direction for too long in justice ~~beatty~~ words we have looked the other way but thats over were not just going to Overturn convictions we are going to take licenses. In the instant case perjury and suppression of evidence was involved. The parties involved in this case did not follow the rules and they should be made

made an example", They bar licenses should be taken. Additional petitioner ask this Court to expedite a decision today or sometime this week since respondent concede with petitioner issues and arguments 1,2,3 and deliberate disregard those issues and arguments also court of appeal finding of the officer exceeded the scope of consent. Respondent deliberately disregard above stated issues and can't defend. Writ of Certiorari was granted November 3, 2015 on petitioner issue 1-4 not 1-3 to be combined together like respondent have briefed. Wherefore undersigned pro, se respectfully requests that this Court issue an ruling relieving him a new trial expeditiously as possible

This 29 day of December, 2015

Respectfully submitted

Erick Hewins
Pro, se

State of South Cardina

In the Supreme Court

Appeal from Richland county

Honorable L. Edward Welmaker, Circuit Court Judge

Appellate Case No. 2015-000595

The State Respondent

v

Erick E. Hewins petitioner

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proof of service

I Erick Hewins Certify that I have served the within motion to expedite Rule 3.2 on respondent by depositing two copies of the same in the United States mail, postage, prepaid addressed to; Sussannah Cole office of the attorney General post office box 11549 Columbia, SC 29211

I further Certify that all parties required by Rule to be served have been served this 29 day of december 2015

Erick Hewins

Pro, SE

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386 Redemption Way

McCormick S.C 29899

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