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State of South Carolina

In the Supreme Court

Appeal from Greenville County **SC. SUPREME COURT**

The Honorable H. Edward Welmaker, Circuit Court 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 Gardner account of the incident, Respondents brief trial in Court of appeals, Tactic is lying 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 false 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 not and that is what respondents brief demonstrate. 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 government agents when they are challenged in cases now before Supreme Court.

In the instant 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 amendment has interposed a magistrate between the citizen and the police.

The right of privacy was deemed so 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 on their own account cannot be trusted.

Florida v. Royer 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 Va. 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 Blazyszcak's
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 a lot 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 prove 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 withdrawn at trial by solicitor.

Ms. Monts Ruffrance if keen attention is given 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 guarantees and give the police the upper hand 392 U.S. 39, 88 Oct. 1889. Those hydraulic pressures are readily apparent in the Cir. Cone. 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 license plate but in fact any information gathered led him to believe the car was stolen. So if the car was not stolen in Sgt Cothren 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 beauty words we have looked the other way but that's 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 Court defend. Writ of
Certiorari was granted November 5, 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 a ruling relieving him a new trial
expeditiously as possible.

This 29 day of
December, 2015

Respectfully submitted

Erick Hewins
Pro, SE

State of South Carolina

In the Supreme Court

Appeal from Richland County

Honorable G. Edward Welmaker, Circuit Court Judge

Appellate Case No. 2015-000595

The State Respondent

v

Erick E. Hewins petitioner

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

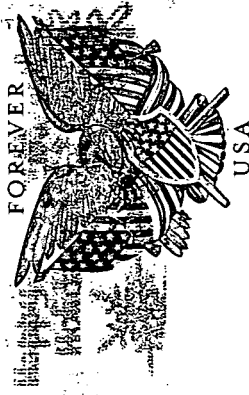
McCormick Corr Inst

386 Redemption Way

McCormick J.C. 29899

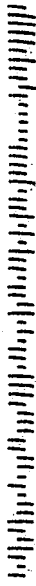
ERICK HEWINS 297728
McCORMICK Correctional Inst FZB-244
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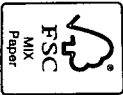


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The Supreme Court of South Carolina
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