

Randolph Ashford #256638
Perry Corr. Inst. B-Y #13
430 oaklawn Rd.
Pelzer, South Carolina-29669

RECEIVED

FEB 01 2016

January 26, 2016

S.C. SUPREME COURT

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post office Box 11330
Columbia, South Carolina-29211

Re: Notice of Motion and Motion for Bail Pending Appellant Review, SCACR Rule-227 (K)

Dear MR. Shearouse:

Enclosed you will find the original in reference noted above for filing. Please provide all other counsels of records with a copy that has not been served, and return a clocked stamped copy to me for my record, due to the officials here at Perry Correctional Institution will not copy the legal documents, claiming inmate generated by hand all of which violates the United States Constitution, Constitution of the State of South Carolina, and SCDC Policy/Procedures.

Thank you very much.

Sincerely,

Randolph Ashford
Randolph Ashford #256638

CAR - NOT
COPY -
F/M generated - or
blank forms

Enclosures

CC:

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Randolph Ashford #256638
Applicant,

vs.

The State of South Carolina
Respondent,

IN THE SUPREME COURT
FOR THE FIFTH JUDICIAL CIRCUIT

**NOTICE OF MOTION
AND
MOTION FOR BAIL
PENDING
APPELLATE REVIEW**

PLEASE TAKE NOTICE: that Pro-se applicant will Move this Court, Pursuant to the SCACR Rule-227 (K) with a notice of motion and motion for bail Pending appellate review as the Court may fix and/or as soon thereafter as this matter maybe heard for a bond on the above named applicant.

It appears that the applicant was arrested on or about February 25, 2007 and charged with the following offense(s) of Kidnapping, Car Jacking, Burglary, Assault with intent to Kill, and Assault and battery of a high and aggravated nature (ABHAN).

Bond was not set for the applicant. The applicant are currently incarcerated within the South Carolina Department of Corrections.

This notice of motion and motion for bail Pending appellate review is also a formal request for the Department of Corrections (SCDC) to have the named applicant transfer / transported to the Court is necessary.

RECEIVED

FEB 01 2016

S.C. SUPREME COURT

Respectfully Submitted

Randolph Ashford
Randolph Ashford #256638
Perry Corr. Inst.
430 Oaklawn Rd.
Pelzer, South Carolina-29669
PRO-SE

MEMORANDUM OF CITATIONS AND AUTHORITIES

Constitutional Provisions

S.C. Const. art. 1 § 11

S.C. Const. art. 1 § 3

S.C. Const. art. 1 § 15

U.S. Const. Amend V.

U.S. Const. Amend XIV

U.S. Const. Amend VIII

S.C. Rules of Court - Rule - 3 (c)

S.C. Code Ann - 17-19-10

S.C. Code Ann 17-25-10

S.C. Code Ann 14-9-210

CASES

South Carolina Police Officers Ret Sys v. City of Spartanburg, 301 SC 188 191, 391 SE 2d 239 241 (1990)

Starnes v. South Carolina Dept. of Public Safety, 342 SC 216, 221 535, SE 2d 665, 667 (ct App. 2000)

State v. Means, OP NO. 26105

Certificate of Service

I do hereby Certify that I have Serve the Original Notice of Motion and Motion for bail Pending Appellant review Pursuant to SCACR Rule-227 (K) upon the listed below Counsel of record by Placing in the United States Mail with the Sufficient Postage affixed thereto on this 26 day of January 2016. and no other Counsel's of records. Affidavit of Randolph Ashford #256638 in Support of Motion for bail.

Served

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

Not Served

J. Clayton Mitchell
Assistant Attorney General
Rembert C. Dennis Building
P.O. Box 11549
Columbia, South Carolina-29221-1549

Not Served

Division of Appellate Defense
SC Commission on Indigent Defense
Post office Box 11589
Columbia, South Carolina-29211-1589

Respectfully Submitted,

Randolph Ashford
Randolph Ashford #256638
Perry Corr. Inst. B-Y #13
430 Oaklawn Rd.
Pelzer, South Carolina-29669
Pro-se

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE SUPREME COURT
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford #256638
Applicant,

CASE NO. _____

VS.

AFFIDAVIT **RECEIVED**

The State of South Carolina
Defendant,

OF

FEB 01 2016

Randolph Ashford

S.C. SUPREME COURT

I Randolph Ashford #256638 of the State of South Carolina, Richland County depose and says that:

1. I am currently incarcerated within the South Carolina Department of Corrections, and housed at the Perry Correctional Institutions.
2. I the applicant are serving a consecutive sentence of (20) years a aggregate sentence is forty (40) years imprisonment.
3. The sentence imposed by the Honorable G. Thomas Cooper Jr. on April (3) third 2009.
4. The (attached) Terms of Circuit and family Court for May 2007 and April 2007 in which the applicant/Affidavit was allegedly indicted is a certified true copy, of documents in support of the Notice of Motion and Motion for bail pending appellant review.
5. The (attached) copy of the South Carolina Rules of Court, SCR.Crim. P. Rule-3 (c) are true and correct from the SC Judicial Department as a document in support of the Notice of Motion and Motion for bail pending appellant review.
6. The (attached) copy of the Richland County Grand Jury order January through June of 2007 a document in support of the Notice of Motion and Motion for bail pending appellant review.
7. The applicant/Affidavit has a Constitutional and Statutory right to have all (9) indictments issued by a legally constituted grand Jury that's not a void null, ineffectual nugatory, and having no legal force or binding effect unable in law to support the purpose for which it was intended).

8. Therefore based on the Pro-se applicant/Affidavit he has established that he was not duly and legally convicted, and therefore he was sentenced in violation of the United States Constitution, the Constitution of the State of South Carolina and other laws of this State.

I declare that the foregoing is true and correct to the best of my knowledge.

FURTHER THE AFFIANT SAYTH NOT.

Date: January 26, 2016

Respectfully Submitted

Randolph Ashford
Randolph Ashford # 256638
Perry Corr. Inst. B-Y # 13
430 Oaklawn Rd.
Pelzer, South Carolina-
29669

Sworn to and subscribed before me

This 26th day of January 2016

Nancy C. Merchant
Notary Public for South Carolina
My Commission Expires 1-23-2023

Enclosures
C.C.:

**Terms of Circuit and Family Court
May 2007**

6.

**Holidays:
Thu May 10 - Confederate Memorial Day
Mon May 28 - National Memorial Day**


Circuit Number	5/7/2007	5/14/2007	5/21/2007	5/28/2007
5	Common Pleas Non-Jury Barber, James	Common Pleas Non-Jury 14 Cooper, G. Thomas	General Sessions Richland Barber, James	General Sessions Richland Cooper, G. Thomas
	HERRON	WILLIAMS 14	HARRIS	WILLIAMS
	General Sessions Kershaw Manning, L.	Common Pleas Non-Jury 14 Manning, L.	Common Pleas Richland Childs, J.	General Sessions Kershaw Goodstein, Diane
	HOLMES	HOLMES 14	MCCURDY	NO CR NEEDED 28, 29, 30, 31
	Common Pleas Richland James, George	General Sessions 14 Richland Manning, L.	Common Pleas Non-Jury Cooper, G. Thomas	AMBROZIAK 1 Common Pleas Richland Childs, J.
	RICE 7, 8, 9 NO CR NEEDED 10, 11	HOLMES 14	WILLIAMS	HELMS
	General Sessions Richland Keesley, William	General Sessions Richland Cooper, G. Thomas	Common Pleas Kershaw James, George	Common Pleas Richland Lee, Alison
	HARRIS	WILLIAMS	RUTLEDGE 21, 22, 23, 24 NO CR NEEDED 25	MCCURDY
	Common Pleas Richland Lee, Alison	Common Pleas Non-Jury 15 Lee, Alison	General Sessions Richland John, Steven	General Sessions Richland Manning, L.
	THOMAS	HELMS 15	HELMS	HOLMES 28, 29, 30 am RICHARDSON 30 pm HOLMES 31, 1
General Sessions Richland Cooper, G. Thomas		Common Pleas Richland Lee, Alison		
WILLIAMS		AMBROZIAK		
General Sessions 11 Richland Barber, James		General Sessions 25 Richland Cooper, G. Thomas		

6.

7.

	HERRON 11		WILLIAMS 25	
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7.

CERTIFIED TRUE COPY,
By 
South Carolina Court Administration

8.

**Terms of Circuit and Family Court
April 2007**

Circuit Number	4/2/2007	4/9/2007	4/16/2007	4/23/2007	4/30/2007
5	Common Pleas Non-Jury Barber, James	Common Pleas Richland Barber, James	General Sessions Richland Childs, J.	Common Pleas Non-Jury Cooper, G. Thomas	Common Pleas Richland Barber, James
	<u>THOMAS</u>	<u>MCCURDY</u> 9, 10 NO CR NEEDED 11	RICE	MONTEITH 23 SULLIVAN 24	RUTLEDGE
	General Sessions Richland Cooper, G. Thomas	<u>MCCURDY</u> 12, 13 General Sessions	General Sessions Richland Few, John	HOLSTON 25, 26, 27 General Sessions	General Sessions Richland Cooper, G. Thomas
	<u>WILLIAMS</u>	Kershaw Baxley, J.	ROLAND 16 WILLIAMS 17, 18, 19, 20	Richland Goodstein, Diane	WILLIAMS
	General Sessions Richland Few, John	RUTLEDGE 9, 10, 11 NO CR NEEDED 12, 13	Common Pleas Richland Keesley, William	WILLIAMS Common Pleas Richland John, Steven	Common Pleas Non-Jury Childs, J.
	<u>HELMS</u>	General Sessions	<u>MCCURDY</u> 16, 17, 18, 19 NO CR NEEDED 20	Common Pleas Richland Keesley, William	HELMS
	General Sessions Richland James, George	Richland Cooper, G. Thomas	<u>MCCURDY</u> 16, 17, 18, 19 NO CR NEEDED 20	MCCURDY 23, 24, 25, 26 NO CR NEEDED 27	Common Pleas Richland Lee, Alison
	<u>AMBROZIAK</u>	BAKIS-RAY 9 WILLIAMS 10, 11, 12, 13	Common Pleas Richland Lee, Alison	General Sessions	HARRIS 30, 1, 2 NO CR NEEDED 3 HARRIS 4
	Administrative Week Lee, Alison	General Sessions	THUEME 16, 17, 18 am NO CR NEEDED 18 pm, 19, 20	Richland Keesley, William	General Sessions
	<u>HARRIS</u> 2 NO CR NEEDED 3, 4, 5, 6	Richland Few, John	Common Pleas Non-Jury/PCR Manning, L.	NO CR NEEDED 23 AMBROZIAK 24, 25, 26, 27	Richland Manning, L.
	Common Pleas Richland Manning, L.	MONTEITH 9, 10 <u>MCCURDY</u> 11 HOLMES 12, 13	HOLMES	Common Pleas Richland Lee, Alison	HOLMES
	<u>HOLMES</u>	General Sessions 13 Richland Keesley, William	Common Pleas Non-Jury/PCR 18	ROLAND	General Sessions 4 Kershaw Cooper, G. Thomas
	General Sessions 5 Kershaw Cooper, G.	<u>THOMAS</u> 13	Keesley, William <u>MCCURDY</u> 18	General Sessions 27 Richland Cooper, G. Thomas	WILLIAMS 4

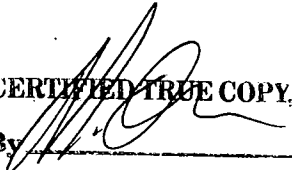
8.

9.

	Thomas			HOLSTON 27	
	NO CR NEEDED 5				

9.

CERTIFIED TRUE COPY.

By  _____

South Carolina Court Administration

10.

**RULE 3
DISPOSITION OF ARREST WARRANTS**

(a) Transmittal to Clerk. Magistrates, municipal judges, and other officials authorized to issue warrants shall, in all cases within the jurisdiction of the Court of General Sessions, forward to the Clerk of the Court of General Sessions all documents pertaining to the case including, but not limited to, the arrest warrant and bond, within fifteen (15) days from the date of arrest in the case of an arrest warrant and date of issuance in the case of other documents. Transmittal shall be pursuant to procedures now or hereafter promulgated by the Office of South Carolina Court Administration.

(b) Transmittal to Solicitor. The Clerk of the Court of General Sessions shall forward a copy of any arrest warrant received pursuant to paragraph (a) above to the solicitor within two (2) business days from date of receipt from the issuing official.

✓ **(c) Action on Warrant.** Within ninety (90) days after receipt of an arrest warrant from the Clerk of Court, the solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned 10. a criminal case number, and presented to the Grand Jury; (2) formally dismissing the warrant, noting on the face of the warrant the action taken; or (3) making other affirmative disposition in writing and filing such action with the Clerk of Court.

(d) Extensions of Time. The solicitor may petition the circuit court for an order delaying action on the warrant, as set forth above, for successive ninety (90) day periods if the circuit court specifically finds good cause for such delay for each successive ninety day period.

(e) Record of Proceedings. Any action taken pursuant to paragraphs (a), (b), and (c) above shall be entered in the records of the Clerk of Court pursuant to procedures now or hereafter promulgated by the Office of South Carolina Court Administration.

Note:

Rule 3 is the language of Criminal Practice Rule 6.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

IN RE:

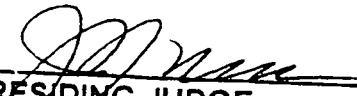
ORDER

The Richland County Grand Jury

IT IS ORDERED that the Richland County Grand Jury shall meet in 2007 as follows:

- 9:00 a.m. Wednesday, January 24, 2007
- 9:00 a.m. Wednesday, February 14, 2007
- 9:00 a.m. Wednesday, March 21, 2007
- 9:00 a.m. Wednesday, April 18, 2007
- 9:00 a.m. Wednesday, May 23, 2007
- 9:00 a.m. Wednesday, June 20, 2007

AND IT IS SO ORDERED.



 PRESIDING JUDGE
 FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina

This 28th day of November, 2006



1570 800000
45 10 28 62

Randolph Ashford # 256638
Perry Carr. Inst. B-y # 13
430 Oaklawn Rd,
Pelzer South Carolina-29669

AMS

RECEIVED
JAN 27 2016
PCI Mailroom

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

Legal Mail