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THE STATE OF SOUTH CAROLINA

MAR 24 2016

In The Court of Appeals

SC Court of Appeals

[In The Supreme Court]

STATE OF SOUTH CAROLINA

Respondent,

2013A1010100178

Case No. 2013A1020121661-62

v.

APPEAL FROM UNLAWFUL
INDICTMENT, CONVICTION,
INEFFECTIVE ASSISTANCE
OF COUNSEL, AND LACK
OF SUBJECT MATTER
JURISDICTION.

AHSHAAD MYKIEL OWENS

Appellant

COMES NOW, :ahshaad-mykiel :owens, an Asiatic Indigenous Amer"ican

Man, (AMER"ICAN, n. A native of America; originally applied to the aboriginals, or

copper-colored races, found here by the Europeans; but now (fraudulently) applied to the

descendants of Europeans born in America, and especially to those claiming to be citizens of the United States. (Noah Webster American Collegiate Dictionary of the English Language 1828.), and Appeals the unconstitutional, unlawful Indictment, Conviction, the Ineffective Assistance of Counsel, and the Lack of Subject Matter Jurisdiction of the Court, with the following;

1. It is the policy and practice of the officers (Mayor, councilmen/women) of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA et seq., and the (Commanders and the Chief) of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA POLICE DEPARTMENT, et seq., to allow any one of their employees (state certified peace officers) to request a warrant against any party within the alleged jurisdiction of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA, et seq., without an

injured party/plaintiff being identified through a lawful complaint, or testimony in open court, in violation of the South Carolina State Constitution (Article 1, Section 10 - and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained), and the Constitution for the united States of America (Fourth Amendment – no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be search, and the persons or things to be seized). South Carolina State Certified Peace Officers are not taught about ‘probable cause.’ **Probable cause** – is a claim of a right violated, an injury and/or damage caused by a man/woman, the conduct that caused the injury/damage, and a petition for restitution of the right violated, or injury/damage caused, of which, there is none on file with this case.

Probable cause is not the feeling of the police officer about his/her thought of the case/situation before him/her. Plaintiff n the party who initiate a lawsuit by filing a complaint with the clerk of court against the defendant(s) suing for rights violated, demanding restitution (for an injury to person, or for damages to property) performances (the agreement of a contract or agreement), and/or court determination of rights (when one in the performance of his office/duty violates a right guaranteed by a state or federal constitution). There is no lawful plaintiff in this case. There is no one making a claim in this case with 'firsthand' information of a lawful violation of rights, injury to body, damage to property, and no lawful claim for restitution, of which a court of competent jurisdiction MUST make a determination. Every statement by employees (HOLMES/OWENS) of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA POLICE

DEPARTMENT, et seq., is “hearsay.” Someone told them, and they are telling the court. This policy and custom of circumventing the demands and requirements of the South Carolina State Constitution, using only the hearsay testimony of fellow employees to initiate a case is a blatant violation of the Constitution, and the rights of the accused to confront his/her accuser and/or witnesses against him/her.

In this policy/custom of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA POLICE DEPARTMENT, et seq., there is no accuser (injured party) in this case, and there is no witness with firsthand knowledge of the events of this case.

2. At no time during the alleged arrest, detention, and trial of :ahshaad :owens, was there ever a lawful Complaint of injury to body or damage to property (other than a police report), filed with the Clerk of Court for the federal municipal

corporation General Sessions Court of Charleston County South Carolina or a named Plaintiff in the record of the federal municipal corporation GENERAL SESSIONS COURT of CHARLESTON COUNTY SOUTH CAROLINA, or available to testify at trial, which seems to be the norm within the corporate court system of the federal municipal corporation STATE OF SOUTH CAROLINA, et seq.

It is very difficult to believe that Officers of the corporate Court system of the federal municipal corporation STATE OF SOUTH CAROLINA, (allegedly men/women learned in law) could conduct their business absent a Complaint in law and a lawful Plaintiff (injured party) to testify at trial, with witnesses of the injury to body or damage to property, to testify as to the conduct of the accused during the act being complained of.

3. The arrest of :ahshaad :owens by the employees of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA POLICE DEPARTMENT, et seq., violates the requirements set forth in the Constitution for South Carolina state (Article One, Section 10 – no warrant shall issue but upon probable cause, (a complaint (not a police report) of a right violated, an injury to person, damage to property) supported by oath or affirmation (submitted to the clerk of court), and particularly describing the place to be searched, the person or thing to be seized,) none of which was/is present in this case, which also violates (Article One, Section 3 – nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law.) This Case shows that a man of color is denied the protection of the South Carolina State Constitution. The police decided who to

charge for murder in this Case rather than allow a jury to decide (with both men on trial) who actually killed the victim, or if the act was an accident. Both men accused the other of attempting to rob the other, and that in the fight for control of the weapon, it fired and the victim was struck, but that was not the intent of either man. According to the laws of the Federal Legislative Democracy for the District of Columbia, a federal municipal corporation d/b/a the United States/United States of America, the elements of this Case should have been presented to a trial jury for final determination. The other young man in question, at the scene of the shooting, is said to be from a prominent European family, and was therefore not shown to have participated in the fight for control of the weapon. Further, the use of the STATE OF SOUTH CAROLINA as Plaintiff in this case is unjust and shows evidence of despotism and tyranny.

Despotism - is a form of government in which a single entity (court) rules with absolute power. That entity may be an individual, (judge) as in an autocracy, or it may be a group, (BAR members) as in an oligarchy. The word **despotism** means to "rule in the fashion of a **despot**" and does not necessarily require a singular "**despot**", an individual. Tyranny - a nation under cruel and oppressive government, cruel, unreasonable, or arbitrary use of (police) power or control. To say that the STATE OF SOUTH CAROLINA is the complaining party in this action, denies me the right to confront my accuser and witnesses against me. The STATE OF SOUTH CAROLINA did not testify in court of any injury to person or damage to property committed by me, that would have established probable cause in the case. There is no Amendment to the South Carolina State Constitution that allows for any employee (police) of the federal municipal corporation CITY OF

CHARLESTON SOUTH CAROLINA POLICE DEPARTMENT et seq., or
employee (solicitor) of the federal municipal corporation CHARLESTON
COUNTY SOUTH CAROLINA, et seq., to use the STATE OF SOUTH
CAROLINA as the Complaining Party in a criminal proceeding in court. If there
is, it MUST be in the initial documents submitted to the Clerk of Court to initiate
this Claim, unless the federal municipal corporation CITY OF CHARLESTON
SOUTH CAROLINA et seq., and the federal municipal corporation
CHARLESTON COUNTY SOUTH CAROLINA, et seq., is part of a Communist
Country. Without such authorization in the South Carolina State Constitution, the
STATE OF SOUTH CAROLINA as a Plaintiff in this Case, lacks 'standing to
sue' (SCRCP 17(b)) and therein, the federal municipal corporation GENERAL
SESSIONS COURT OF CHARLESTON COUNTY SOUTH CAROLINA, et seq.,

lacks subject matter jurisdiction to hear, or adjudicate this Case.

4. I, :ahshaad-mykiel :owens, was denied the right to question my accuser, and alleged witnesses against me. My public pretender (defender) heard one witness testify in open court that he lied to the police when they questioned him about me, and he said nothing, and did nothing to rebut his testimony or to show the jury that the parts of the police report that identified me as committing murder in this case was false. I believe that his conduct did not afford me an aggressive defense, I also submitted an Affidavit of Truth into the record of the Court, of which, the Judge nor the Public Pretender(Defender) allowed to be answered in the record of the Court or questioned in open Court during trial (see Attachment 1). I believe that this action by counsel violated both the Constitutions for South Carolina State and the united States of America, and I was afforded ineffective

assistance of counsel. The Public Pretender (Defender) did not interview any counter-witness to rebut anything that was presented by the Solicitor. The only thing that was paramount to his defense in my Case, was that I should take a plea and hope for mercy.

ARTICLE 1, SECTION 14. Trial by jury; witnesses; defense.

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both.

(1970 (56) 2684; 1971 (57) 315.) South Carolina State Constitution

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law,

and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel (not represented by a BAR member only) for his defence." (6th Amendment – Constitution for the united States of America)

5. My alleged counsel, did nothing for my defense until I submitted the attached Affidavit, then he started visiting me and trying to get me, first to accept a 'plea deal', when that failed, then he started to put together a defense, less than two weeks before trial. He found out that the police never found the correct backpack in the case, and then he gave my information, that I discussed with him to the police. At no time during the trial did counsel attempt to show that another party at the scene may have committed the crime. The forensic evidence showed there were gunshot residue (gsr) on two people's hand, that was at the scene, counsel never attempt to show the possibility that the other party may have been the party holding the weapon with access to the trigger and not me. In fact the forensic

report showed that there was gsr in the palm of his hand, and only on my outer hand. There was never any request for an evaluation to establish my state of mind at the time of the incident. Counsel never questioned the method used by police to determine who actually pulled the trigger during the incident, with two people's hand on the weapon. Counsel never stressed the point that the alleged murder weapon was never found, therein never establishing the true owner of said weapon.

6. This case was initiated by employees (police) of the federal municipal corporation CITY OF CHARLESTON SOUTH CAROLINA, et seq., without any 'oath or affirmation' of an injured party, there was/is only a police incident report, of things reported to them (hearsay). My counsel never questioned the fact that Article 1, Section 12 was never explained to me, or was advised by the police that before making any statement, in a capital case that it might be best to consult with

an attorney. **ARTICLE 1, SECTION 12.** Double jeopardy; self-incrimination.

No person shall be subject for the same offense to be twice put in jeopardy of life

or liberty, nor shall any person be compelled in any criminal case to be a witness

against himself. (1970 (56) 2684; 1971 (57) 315.) South Carolina State

Constitution Do employees of the federal municipal corporation CITY OF

CHARLESTON SOUTH CAROLINA POLICE DEPARTMENT, et seq., follow

the dictates of the South Carolina State Constitution when questioning someone

about a crime that allegedly was committed in their jurisdiction, or is it only

necessary to 'get a confession.'

7. There is no Amendment to the Constitution for the South Carolina State Territory that identifies a "prosecuting officer" as an officer of the court. If there is, it should have been submitted at the initiation of this Case to help establish

subject matter jurisdiction in this case, and show the injured party, not just an employee of the federal municipal corporation CITY OF CHARLES SOUTH CAROLINA POLICE DEPARTMENT, et seq., making a claim with hearsay information ONLY.

SUMMARY OF CASE APPEAL

The elements of this Case is without authority of the South Carolina State Constitution, and the personnel attempting to circumvent the restrictions of the Constitution, is without authority to make a final determination in who actually committed a crime, without being on the scene at the time of the act.

This Case lacks a Plaintiff (injured party) with knowledge of the crime, and what parts were played by whom. Without an injured party making a claim of the injury, there is no actual proof of which party(s) action caused the death.

Respectfully submitted this 19 day of March, 2016

By the hands of Nichelle Owens.

STATE OF SOUTH CAROLINA)

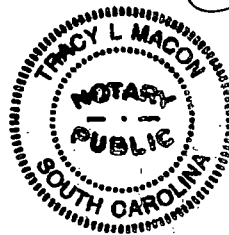
) ACKNOWLEDGEMENT

COUNTY OF CHARLESTON)

Subscribed and affirmed before me, Tracy L Macon, Notary

Public for said County of Charleston South Carolina.

My Commission Expires Sep 11, 2017 Seal



Tracy L Macon

TRACY L MACON
NOTARY PUBLIC
State of South Carolina
My Commission Expires
September 11, 2017

CERTIFICATE OF SERVICE

I, Ahshaad Mykial Owens herein certify that a copy of this Appeal was mailed to the Clerk's Office of the South Carolina State Court of Appeals and copies were placed into the care of an Associate of the United States Postal Services for delivery to the Parties and Entities named at the addresses shown, and with proper postage paid.

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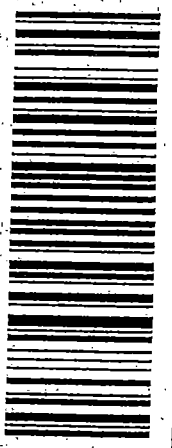
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