

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

April 21, 2004

Mr. Edward R. Anthony, 363714  
Trenton Correctional Institution  
84 Greenhouse Road  
Trenton, SC 29847

**RECEIVED**

JUN 10 2016

**SC Court of Appeals**

RE: The State v. Edward R. Anthony  
Appellate Case No. 2015-001072  
Lower Court Case No. 2014GS0201000

Dear Mr. Anthony:

This responds to your letter to Justice Beatty dated May 29, 2016. Please be advised that Justice Beatty cannot consider this *ex parte* communication about your criminal case.

Further, the above case is currently pending before the South Carolina Court of Appeals. Since counsel is representing you before the Court of Appeals, no action will be taken on your *pro se* letter by this Court. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Sincerely,

Daniel E. Shearouse

cc: ✓ The Honorable Jenny Abbott Kitchings (with copy of letter and attachments)  
Tiffany Lorraine Butler, Esquire (with copy of letter and attachments)  
Vann Henry Gunter, Jr., Esquire (with copy of letter and attachments)

P. O. Box 3543,  
Spartanburg  
29304

Chief Judge Don Beatty  
U.S. Supreme Court  
~~1231 Gervais St.~~  
1231 Gervais St.,  
Box 11330  
Columbia 29211.

Edward Anthony 363714  
T.C.1  
84 Greenhouse Rd  
Trenton, S.C. 29847

May 29, 2016

Re: Freedom of Information Act.

RECEIVED

JUN 08 2016

Dear, Judge Beatty

S.C. SUPREME COURT

My name is Edward R. Anthony, and I'm asking you to please send me a copy of the Grand Jury Proceeding. In good faith, I must find out what Deputy Smith of North Augusta Public Safety and Police of Belks Department store. Said, to the grand jury to indict me. Because there was no evidence of items found on me. See Caldwell v. Kmart Corp. (S.C. App. 1991) 306 S.C. 27, 410 S.E.2d 21.

Judge I have my proof, I wrote the Clerk of Courts in Aiken. In she told me that the Grand Jury proceeding are private. But in Evans v. State (2006). A law was passed for me to obtain the grand jury proceedings. In a new criminal rule governing minutes of evidence of witness testimony. Was adopted during pendency of the Supreme Court's review of case. See State v. Godfrey, (2009), 775 N.W.2d 773.

In the rights of the indictment, a bill of particulars is based upon. Which grants such right. State v. Powers, 1947, 30 N.W.2d 476, 239 Iowa 430. In the bill of particulars should be allowed, in its discretion. State v. Conner, 1976, 241 N.W.2d 447.

In I have proof, that the Fruit of the Poisonous tree. Com v. Spofford, 343 Mass. 703, 180 N.E.2d 673. If you fail to discover evidence on me, inside or outside of the store. Then probable cause don't exist, on March 16, 2014. In on May 21, 2014, you return back to Belks, and receive a copy of the videotape, and the receipt, with May 21, 2014.

This is a violation of my 4th Amendment. The 1st Amendment states, that no one shall be deprived on their rights, life, The United States created me the rights. The chain of

Copy in send back please.

1/0 VA

Custody Report has the evidence turned in on March 21, of 2014. But I have a police report, stating that Deputy Smith turned in evidence on May 21, 2014, at 2108 hours. So if you need me to send you copies of my Proofs.

You would have to call Brenda Williams here at Trenton prison, so he can fax it to you. Attorney General Loretta Lynch at the Department of Justice, and the Civil Rights head lady.

In Judge Beatty, I wrote the court reporter Cheri L. Young, and told her about my trial transcript. Has been altered and edited to cover up the Police Officer and Judge Mis-Conduct, for one I'm missing out of my trial transcript. The list is below is missing out of my trial transcript.

1. I forgot he did not walk out side, by Deputy Smith of North Augusta Public Safety.
2. I forgot he had the handcuffs on, when I tasered him out of the chair. Looking at the video footage. Deputy Smith.
3. I forgot I didn't Read him, his Rights, just walked him to the back of the store.

\* The Key part From Judge McIntosh of Aiken, SC. \*

4. You might didn't Shoplift, but you still had intentions. Before he sentenced me, in front of the jury.
5. In before the jury found me guilty, They came back in, and asked, the judge. What should they do about the cop's Fake testimony. He errored, and told them, To just threw his testimony out.

Judge like I said, I can show you the Miscarriage of Justice by the police, prosecutor, court reporter, the judge, and my Public Defender.

Errors like: Batson, Other times, Tainted Fruit of the Poisonous tree, Equal Protection Violations, Exclusionary Rule, and Brady Violations

My 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> Amendment has been Violated. by all partys.

My Public Defender objected to the tainted evidence, but the judge overruled, and admitted it in trial, both partys recanted there statements at trial. You go back 3 month later, and obtain illegal evidence. In withheld video of a Dash-Cam, and a police report. Because probable cause did not exist to arrest me. Because you failed to discover evidence on me, March 16, 2014. In go back on May 21, 2014.

I got my proof by taking the partys to trial on April 16, 2015. The jury had doubt. In the real reason is that they set me up. The Cops beat me up and faseded me sitting in a chair, and its all on video surveillance camera. That Belk's ad the Cops withheld from me. I cant say, yes to crimes I dont commit NO more. So with insufficient evidence to convict me. The judge errored and was prejudice to me, bias. Sterotyping black people, saying that they have records.

My family members in Augusta, Ga, are Judge Carl Brown, Maguire Walker, and Judge Scott Allen. They are working around the clock, with the Department of Justice Loretta Lynch. So judge my Safeguard is imposed. Every day that Im in prison.

Please In Thank You

On the arrest warrant that I got the original, Has just Deputy Smith name at the top. In it says, he appeared, and was duly sworn in first of the Judge or the courts.

But on the second arrest warrant: On Prosecuting Officer Deputy D. Smith, and, his number is (288). But now Deputy Smith name was a line. In Jason Schorner name is on it. So he appeared. The signature at the bottom is not the same, and the Deputy name number is 295. In not 288.

In Judge Sheridan Lee Lynn Jr. name is at the bottom. Judge Code is 5034. They keep giving me the run around. The affiant's address is 444 East Buena Vista Ave, North Augusta, Sc 29841.

But I mailed it to General Sessions, in Aiken, Sc, on 109 Park Avenue. to Judge Lynn, sometime ago. In now there saying, mail it to North Augusta Summary Court.

The Judge name Edmonds at the time in his court room, told me that, My family made to much money. For me to receive a Public Defender, when I asked for one. That's a 6th Amendment violation, My Constitution, tells me that I have a right to receive an attorney. Then you come back 3 months later, and charge me with the same crime again, with no attorney, and they never sent me a later. Stating that if I, miss court. I would be found guilty in my absence. By law they have to. So I turn my self in when they called looking for me. I have the paper work to prove that. They are a injustice system, who keep depriving me of my rights. Something that was granted by the United States of America, my Equal Rights by 14th Amendment has been violated, 14th C. to



**Aiken County Clerk of Court  
Criminal Division  
P. O. Box 583  
Aiken, S.C. 29802-0583  
Phone: 803-642-1715**

May 5, 2016

Edward Anthony,

I am responding to your requests that were sent to the Aiken County Clerk of Court Office. Please see below my response for each letter. In your future request, please include case numbers to better assist you.

**Letter 1-** In regards to your Misdemeanor Enhancement- please contact North Augusta Summary Court (Judge Lynn). Contact information listed below.  
North Augusta Summary Court  
537 Edgefield Road  
North Augusta, SC 29841  
803-202-3580

*I have wrote them, But they never wrote back.  
The judge has a office in Aiken.*

*General Sessions  
P.O. Box 583  
109 Park Avenue  
Aiken, SC 29802*

**Letter 2-** The Solicitor's Office handle Expungements and I will forward a copy of your letter to the Solicitor's Office. If you have any other questions in regards to Expungements, please contact the Solicitor's office at the address listed below.  
Aiken County Solicitor's Office  
P.O. Drawer 3368  
Aiken, SC 29802  
803-642-1557

**Letter-3** Grand Jury Minutes-Please see the letter attached

**Letter 4-** The letter addressed to Cheri L. Young- A copy of this letter will be sent to Judge McIntosh, Cheri L. Young, Brady McMillian (Public Defender) and the Solicitor's Office.

Sincerely,

*LaToya Frazier-Hynes*

LaToya S. Frazier-Hynes

Her 3

March 12, 2014  
Deputy Smith  
Edward Anthony  
363714  
84 Green House Rd  
Trenton, SC 29847

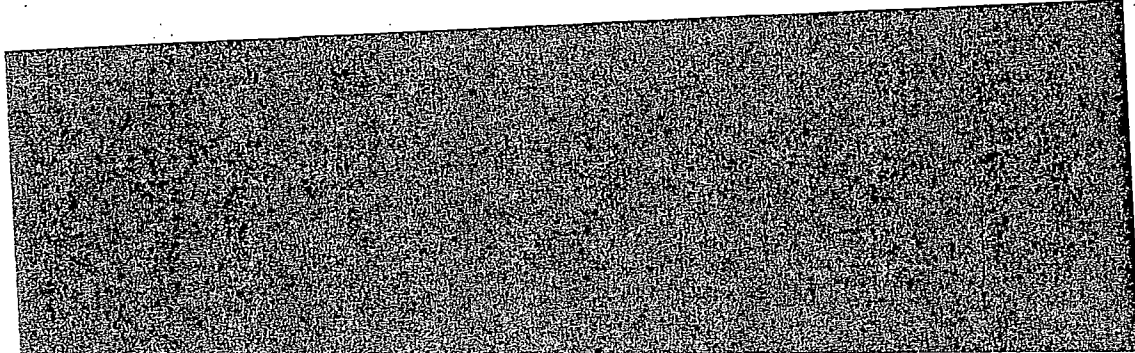
FILED May 5 2016 3-16-16

~~Deputy Clerk~~  
E.C.C.P. & G.S. LSFH

Dear,

To whom it may concern, My name is Edward Anthony, and I would like for you to send me a copy of my Grand jury minutes. Under my FOIA, I'm entitled to this information by the constitution of law, that the United States has granted me. Because the Grand jury minutes were not in my motion Rule 5 when I received it 2 years later on January 21, 2016. Under my Jencks Act, I'm entitled to everything by law. The Department of Justice, told me, If you keep depriving me of my Due Process, Right of Law. That is a Constitutional Violation of my Rights. My Family and U.S. Attorney General Loretta Lynch, is conducting a investigation in my case, because the Judge crossed badly, with falsified evidence that he and the prosecutors have tried to convict me of the false documents. So I need the copy of the Grand Jury transcript Please to Thank You.

C/O



You know it just like Ex Judge Rodney Peoples, and the Court Reporter. Wrongfully convicting people, trying to become a Supreme Court Judge. Him and the court reporter where in Cahoon's, taking bribes. Unfair and prejudice to innocent people. In Allken.

eHer  
2

Edward Anthony 363714  
84 Greenhouse Rd Trenton  
Trenton, N.J.  
Trenton, SC 29849

Aiken Clerk of Courts  
P.O. Box 583  
Aiken, SC 29802

3-26-16

Dear,

To whom it may concern, my name is Edward Anthony. In order  
code 22-5-910. I would like to Expunge my  
criminal record, and South Carolina.

1<sup>st</sup> Offense Date 10/06/2011

Court Charge 01/19/2012

ATTN: 02000027164

2<sup>nd</sup> Offense Date 10/24/2011

Court Disp-Convicted, 149/00

Fine or Jail Time 30 DYS

Court Date: 03/06/2012

ATTN: 02000026287

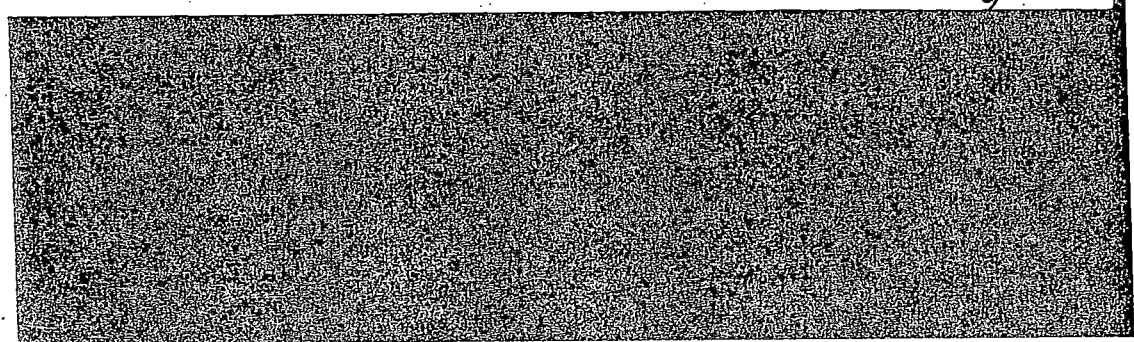
Are do you have to send me the form, and  
it's free because I'm locked up.

FILED May 5 2016

*Liz Goddard*  
CLERK & G.S. LSCA

*Latoya Tramm Hayes*  
Deputy Clerk

cb





The rule of law is that if an unconvicted misdemeanor conviction resulted in the service of prison time, then said prior cannot be used as a sentence enhancer. Nichols v. United States, 511 U.S. 738 (1994). See Robinson v. State, 380 S.C. 201, 669 S.E.2d 588 (2008); Glaze v. State, 366 S.C. 271, 621 S.E.2d 655 (2005). Without a waiver an indigent defendant convicted of a misdemeanor or no counsel cannot be sentenced to a term of imprisonment or fine that prior used to enhance a subsequent conviction and sentence. Scott v. Illinois, 440 U.S. 367 (1979); Nichols supra. See also, Robinson where the court held that counsel erred in allowing a prior unconvicted marijuana possession conviction after failing to complete his public service sentence. By contrast, compare Glaze v. State, 366 S.C. 271, 621 S.E.2d 255 (2005) or U.S. v. Falesbrook, 5 F.3d 715. Constitution Amendment 4 (Va.) 19

So when I missed court I had to stay in Albemarle County Jail for 30 days. The Supreme Courts held Enhancements of his Second conviction was Unconstitutional in a Violation of his or my 6th and 14th Amendment. So with my proof, I can talk about my Double Jeopardy Clause forbids that I get charged for the same crime, at the same store, depriving me of my rights. 30 days. C/B

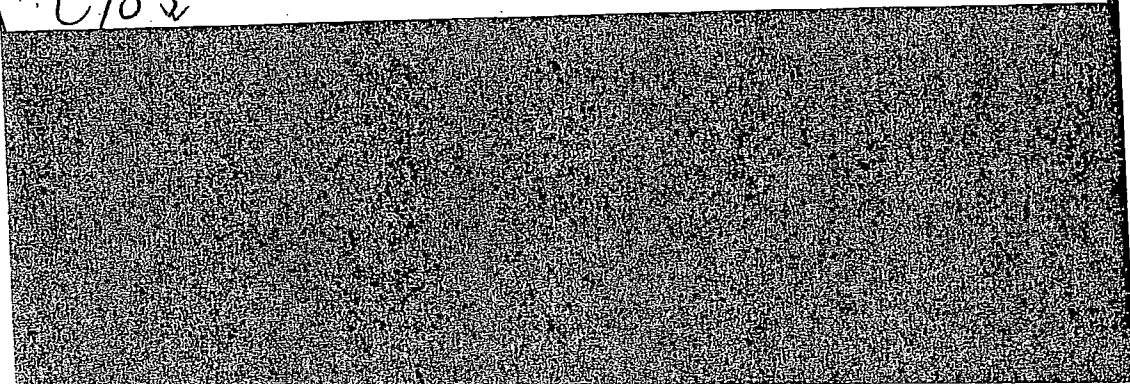
Letter 1

FILED May 5 2016

Sei...  
U.C.P. & G.S. LSFH 3-28-16  
Ataya...  
Clerk

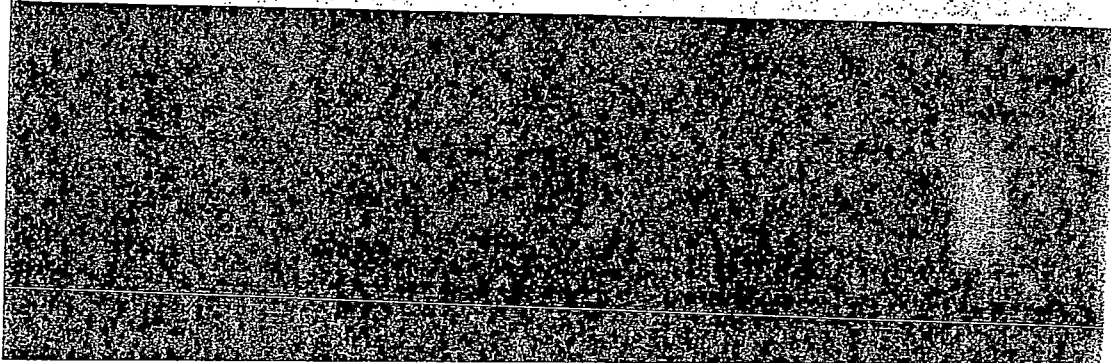
under the ~~Double~~ Jeopardy Clause of the 5th Amend,  
 warrants that No person shall be subject for the same offense  
 twice or the second time. Putting in jeopardy of  
 life or limb. Im talking about the second conviction  
 of shoplifting on 10/24/11 of the 2<sup>ND</sup> offense. In I was  
 convicted in my absents of 8/3/12. The Courts never  
 sent me a letter or warrent, telling me, to appear in  
 Court, and if I didnt, They would try me in my  
 absent, thats unconstitutional, and a violations of  
 my Civil Rights and Equal Protection right, created by  
 the United States. In the 14th Amendments Due Process  
 Clause extends the Double Jeopardy Clause protections  
 to state prosection. See Benton v Maryland, 395 U.S. 784,  
 94(1969), Nev. Talarcon v. State, 721 P.2d 764. It protects  
 against the same multiple offense, U.S. Constitution  
 amendment 5<sup>th</sup> prohibition of Double Jeopardy applies  
 not only to life or limb, " But to prison sentences  
 and criminal fines as well, See Jeffers v. U.S., 432 U.S.  
 37, 155(1977). State v. Hill, 254 SC 321, 175 S.E.2d 227 (1970)  
 My Constitutional Safe Guard is imposed. See State v.  
 Kirby (S.C. 1977) 269 S.C. 25, 236 S.E.2d 33. Double Jeopardy.

C/02



1944

Stenographer  
Court Reporter



Liz Godard  
Clerk of Court  
P.O. Box 583  
Aiken, SC 29802

Edward  
T. C. I  
84 Greenhouse Rd  
Trenton, SC 29847

May, 16, 2016

Re: Freedom of Information

Dear, Liz Godard

This is Edward Anthony again; Please not. Under  
State v. Evans 363 S.C. 495, 611 S.E.2d 510 (S.C. 2005). The defendant's  
right to obtain recorded proceedings and testimony before State  
Grand Jury. Your courts have been discriminating and depriving me  
of my rights. In my Safeguard is imposed, 14th Amend. Violation.

Under the Jencks Act or Rule. A criminal defendant in a case, is  
entitled to access to government documents for assistance in cross-examination  
of witnesses in order to impeach for prior inconsistent statements. Jencks v. U.S.,  
353 U.S. 157, 77 S.Ct. 1007, 17 L.Ed.2d 1103. Following this case, a Federal statute  
was enacted to the same effect; 18 U.S.C.A. § 3500. See also Federal Rules  
of Criminal Procedure 26.2

United States v. Ciba Corp., (D.N.J. 1971), 16 Federal Rules Serv 2d 95, alleging violation  
of the Sherman Act, Such Act (15 U.S.C.A. §§ 1-7) Prohibits any unreasonable  
interference or conspiracy.

Exculpatory statement or evidence. Statement or other evidence which tends  
to justify, excuse or clear the defendant from alleged fault or guilt. State v. Cobb,  
2 Ariz. App. 71, 406 P.2d 421, 423. See Com v. Jeter, 273 Pa. Super. 83, 416 A.2d  
1100, 1102, and Gibson v. State, 110 Idaho 631, 718 P.2d 283, 285. In Good Faith  
In re Wacht's Estate, 32 N.Y.S.2d 871, 897. or Gibson v. State, 110 Idaho  
631, 718 P.2d 283, 285. His incriminating evidence, so don't alter, edit, or  
modify. Johnson v. Three Bays Properties No. 2, Inc., Fla. App. 159 So.2d 92

United States v. Beatrice Food Co. (D. Minn. 1971), 15 Federal Rules Serv 2d 59  
Under Rule 69, See Carrison Corp v. County West Bldg. Corp. (E.D. Pa. 1971) 6

I have support from the Ass. Attorney General  
in Washington, DC, so that's why, I'm writing you  
back. In at the bottom they are ready to show that  
my rights have been violated by the R/CB of the  
Jr m Crow ways of life, and S.C.

Please to Thank You

American Civil Liberties  
1400 20th St NW #119  
Washington, DC

NAACP  
1156 15th St NW #915  
Washington, DC

Edward Anthony 065771  
84 Greenhouse Rd Trenton  
Trenton, SC 29847

2014-03-02-1000  
March 16, 2014

1015 Summers Cir  
Columbia, SC 29210

March 28, 2016

Re: Freedom of Information Act

Dear,

To whom it may concern, my name is Edward Anthony. I would like to receive copies of the Grand Jury minutes, and transcript from the Grand Jury. Second, I would like to receive a copy of the preliminary hearing transcript well. third, I would like to receive a copy of the Affidavit and supporting affidavit. A copy of the police officer, Daniel Smith supporting supplemental report on May 31, 2014 at 7:00p when he turn the 3 Disc and receipt, and photograph to evidence. In the Dam-Cam video footage, that Dep Smith of North Augusta Public Safety Department. Asked for, but the Police Department never gave him the Disc. In Breun of that, my rights to a fair trial, has been Violated. Brady rights by the Constitution of the United States, grants me the right to say, that. My Safeguard is imposed, by the Police officer failure to disclose the information. Effect of Freedom of Information Act is material available for discovery. Rule 26(b) does not author an agency to withhold any records which the [Freedom of Information] Act commands it to disclose. "More-Mel Lines, Inc. v. I.T.O. Corporation of Baltimore (Continued 44, 1974); C/P

2d 945, My Public Defender, told me, he subpoenaed the video footage. But they withheld it from me, so they have all ~~the~~ been prejudice and bias to me.

So can you send me a copy of all my information that I need, because I'm in a direct appeal now in the Department of Justice, Miss Loretta Lynch told me to send you all a letter Grand jury testimony of Documents of the proceedings.

Please In Thank You.

Aiken Court of Clerk  
P.O. Box 583  
Aiken, Sc 29802

North Augusta City Clerk of Court  
100 Georgia Ave  
North Augusta, Sc 29841

A Copy of the Grand Jury Minutes as well.



State of South Carolina  
The Circuit Court of the Second Judicial Circuit

Cheri L. Young, RPR  
Circuit Court Reporter  
Registered Professional  
Reporter

MAY 25 2016

P O Box 5232  
Aiken, SC 29803  
cyoung@sccourts.org

May 11, 2016

Edward R. Anthony, #363714  
Lower Savannah Pre-Release  
361 Wire Road  
Aiken SC 29801

Mr. Anthony:

I have received from the Aiken County Clerk of Court's Office a copy of your letter. I am not sure why you didn't mail your letter to me since you do have my correct address written at the top of the letter. Since you provided no return address, I am sending this to the last known address I had that I used in my letter to you dated August 29, 2015.

Please be advised I have nothing to gain, nothing to lose in producing any transcript. I have never been offered a bribe nor would I accept one. I started my career as a court reporter in 1978, many years ago. I take very seriously my task of producing a verbatim record of all proceedings had. To that extent: I write the proceedings stenographically using realtime computer-aided translation; after the transcript is ordered I scope and edit, research spellings, punctuation, grammar, etc.; then I play the audio recording of the entire proceeding back to my transcript; following that I print it and proof it one last time. In essence, I go through it four times.

I stand by my record as complete and accurate. It is the official court record.

Since you have made so many bold, erroneous accusations and other claims, I am forwarding your letter and this communication on to SC Court Administration. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cheri L. Young".

Cheri L. Young

Copy - SC Court Administration

MAY 26 2016



**Aiken County Clerk of Court  
Criminal Division  
P. O. Box 583  
Aiken, S.C. 29802-0583  
Phone: 803-642-1715**

May 20, 2016

To: Edward Anthony,

We do not have Grand Jury recorded minutes and please see the letter attached. Please provide case number(s) to better assist you.

Sincerely,

A handwritten signature in cursive script that reads "LaToya S. Frazier-Hynes".

LaToya S. Frazier-Hynes

Aiken County  
Clerk of Court  
PO Box 583  
Aiken, SC 29802

Please note that grand jury proceedings have historically been held in private and no minutes are maintained or taken when the Grand Jury is deliberating or voting. The only documentation that results from these types of grand jury proceedings is an indictment of true bill or no bill. Please see *Anderson v. State*, 338 S.C. 629, 527 S.E.2d 398 (2000) (clerk of court is under no duty to provide a transcript of the proceedings before the county grand jury); *Ex parte McLeod*, 272 S.C. 373, 252 S.E.2d (1979) (In a case involving a county grand jury, the Court stated "the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence" and denied the Attorney General's request to have a court stenographer present during the presentation of evidence to the grand jury based on this rule of secrecy.).