

July 25, 2016

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
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Columbia, So. Car. 29211

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60 SUPREME COURT

RE: STEVEN W. LITTLEJOHN V. STATE; APPELLATE CASE
NO. 2016-001368; Rule 243(C) Filing

1. DEAR Mr. Shearouse,

My Rule 243(C) SCACR EXPLANATION BRIEF, PROOF OF SERVICE AND SUPPORTING APPENDIX ARE ALL ATTACHED TO THIS LETTER FOR FILING AND FOR FORWARDING TO THE COURT.

2. PLEASE NOTE, I WILL MAIL FIVE MORE COPIES OF THE BRIEF ONCE MY STAMPED COPIES ARE RETURNED TO ME FROM YOUR OFFICE BECAUSE I CANNOT HAVE (LEGAL) COPIES MADE UNTIL I PROVIDE THE MAIL ROOM STAFF WITH THE STAMPED COPIES ARE PROVIDED TO THEM.

3. FINALLY, CAN YOU STAMP THE EXTRA COPIES IN THE SELF-ADDRESS ENVELOPE (STAMPED) AND MAIL-BACK TO ME. CAN YOU PLEASE ALSO GRANT ME AN ADDITIONAL 10-DAYS TO FILE THE FIVE COPIES OF THE BRIEF TO ALLOW ME TIME TO MAKE COPIES, AND MAIL BACK TO YOUR OFFICE?

CC: File

Alicia A. Olive, Esquire

Respectfully Submitted,
Steven W. Littlejohn #321946
Turbeville Correctional Inst.
1578 CLARENCE COKE HWY.
TURBEVILLE, SO. CAR.
29162

EXPLANATION BRIEF

Petition For A WRIT OF CERTIORARI
TO Cherokee County Common Pleas
Court To Review Post-Conviction
Relief Action Under Rule 243(c) SCACR

The State of South Carolina
In The Supreme Court

Appeal From Cherokee Court Of Common Pleas

Kenneth G. Goode, Circuit Court Judge

Lower Court Case No. 2013-CP-11-0192

Appellate Case No. 2016-001368

STEVEN W. LITTLEJOHN, PETITIONER,
S. C. D. C. NO. 321946

v.

STATE OF SOUTH CAROLINA, Respondent,

RULE 243(c) EXPLANATION BRIEF

OFFICE OF THE ATTORNEY GENERAL
Alicia A. Oltz, Esquire
P.O. Box 11549
Columbia, S.C. 29211-1549
Attorney For Respondent

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Pro Se Petitioner

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1.
MAY IT PLEASE THE COURT: STEVEN W. LITTLEJOHN,
PROCEEDING PRO SE FILES THIS EXPLANATION BRIEF
UNDER RULE 243(C) SCACR FOR CERTIORARI TO CHEROKEE
COUNTY COURT OF COMMON PLEAS 'TO REVIEW POST-
CONVICTION-RELIEF ACTION ON THE FOLLOWING GROUNDS':

THE SUPREME COURT OF SOUTH CAROLINA HAD NO JURIS-
DICTION TO GRANT THE RESPONDENT'S MOTION TO CORRECT
CERTAIN PORTIONS OF PLEA TRANSCRIPT, NOR DID THE
COURT HAVE JURISDICTION TO GRANT PERMISSION
TO SUPPLEMENT THE APPENDIX ON ORDER DATED
JANUARY 21, 2010 UNDER RULE 607(C) SCACR;
U.S. V. COTTON 535 U.S. 625, 122 S. CT. 1781
(2002);

THE NOTARY PUBLIC WHO ALLEGED TO HAD NOTA-
RIZED THE SIGNATURE OF CIRCUIT COURT REPORTER
LINDA D. MOFFETT VIOLATED S.C. CODE ANN. §
26-1-90 (NOTARY PUBLIC STATUTE).

1. THIS EXPLANATION BRIEF WILL EXPRESS
ERRORS BY THIS COURT AS WELL RESPECTIVELY.

My Due Process (Liberty Interest) Federal Rights Under the United State Constitution's Fourteenth Amendment & I were violated because the State filed its Motion to Correct ~~the~~ certain portions of the Plea Transcript and Supplement the Appendix under the Wrong Rule; in violation of the Structural Error Analysis under State v. Rivera 402 S.C. 225, 741 S.E. 2d 694 2013;

2.

RELEVANT - CASE - BACKGROUND:

ON August 17, 2007, My Post-Conviction Relief Application was filed in the Cherokee County Court of Common Pleas (C/A NO. 2007-CP-11-495) ² R.P. 1 (Page 1 of Order of Dismissal).

Thereafter I filed a Rule 59(E) motion that was denied and filed in the Cherokee County Court of Common Pleas on December 02, 2008 R.P. 9 (Filed Order).

2. The grounds I alleged in this P.C.R. case are not relevant to the instant issues in this case.

2.

I timely Filed A Notice OF Appeal in this Court, AND ON OR AROUND September 09, 2009, the State Filed it's " Motion TO correct the Record AND File A Supple- Mental Appendix." R. P.P. 10-12 (3 page Motion by the State).

ON JANUARY 21, 2010, this Court Granted the State's Motion. R. P.P. 13-14 (2-page Order).

ON June 25, 2010, this Court denied My Petition For A Writ OF Certiorari. R. P. 15 (Copy OF 1-PAGE letter)

ON July 22, 2010, My Motion For Reconsideration WAS denied AND the Remittitur WAS sent ON the same date. R. P.P. 16-17.

ON MARCH 22, 2013, the Cherokee County Court OF Common Pleas Filed My SECOND P.C.R. Appli- cation R. P. 18 (2nd Order OF Dismissal AND denied soon AFTER.

The Honorable Daniel Shearouse, Clerk OF this Court ON A letter dated ON OR AROUND July 06, 2016, Requested AN explanation Brief to be Filed Under Rule 243(c) SCACR

This EXPLANATION Brief Follows:

3.

Argument:

The S.C. Supreme Court
HAD NO JURISDICTION TO
GRANT THE STATE'S MOTION

ON MAY 21, 2007 DURING MY PLEA HEARING; THE HONORABLE J. DERHAM COLE PRESIDED, ASSISTANT SOLICITOR: ALEX R. STALVEY OF THE SEVENTH JUDICIAL CIRCUIT EXPRESSED TO THE COURT, THE FOLLOWING:

"YOUR HONOR, HE IS HERE TO PLEAD GUILTY TO ALL FOUR OF THESE CHARGES. THE STATE AND HIS ATTORNEY, MR. ROGER POOLE, HAVE NEGOTIATED A SENTENCE OF FIVE YEARS TO RUN CONCURRENT ON ALL OF THESE CHARGES. THANK YOU, YOUR HONOR."
R. P. 26 (PAGE 3; LINE 14-17 OF PLEA TRANSCRIPT).

DURING THE APRIL 08, 2008 P.C.R. EVIDENTIARY HEARING; THE HONORABLE KENNETH G. GOODE PRESIDED, MY P.C.R. ATTORNEY JOHN R. FERGUSON DURING DIRECT EXAMINATION, THE FOLLOWING EXCHANGE TOOK PLACE BETWEEN "MR. FERGUSON AND MR. STALVEY (ASSISTANT SOLICITOR).

4.

A. "YOUR HONOR, HE IS HERE TO PLEAD GUILTY TO ALL FOUR OF... [T]HOSE CHARGES. THE STATE AND HIS ATTORNEY MR. ROGER POOLE, HAVE NEGOTIATED A SENTENCE OF FIVE YEARS TO RUN CONCURRENT ON ALL OF THE CHA - - ON ALL OF THESE CHARGES. THANK YOU, YOUR HONOR" R.P. 19 (P. 65; LINE 6-10 OF TRANSCRIPT).

Q. "WHAT WAS THAT ABOUT?" R.P. 19 (PAGE 65; LINE 11 OF P.C.R. TRANSCRIPT).

A. "I CAN'T REMEMBER. I MEAN, I - - - AND WHEN I, WHEN I SAW THAT EARLIER TODAY - - R.P. 19 (P. 65; LINE 12-13, P.C.R. TRANSCRIPT).

Q. "SO THOSE WERE THE CHARGES HE WAS FACING IS THAT CORRECT?" R.P. 20 (PAGE 66; LINE 6-7; P.C.R. TRANSCRIPT).

A. "I BELIEVE SO IF THAT'S WHAT THE TRANSCRIPT SAID" R.P. 20 (PAGE 66; LINE 8; P.C.R. TRANSCRIPT).

THE ASSISTANT ATTORNEY GENERAL MICHELLE J. PARSONS, OF ASSISTANT ATTORNEY GENERAL S. PRENTISS COUNTS MENTIONED NOTHING ABOUT THE ALLEGED ERROR, I.E. 5-YEAR IMPRISONMENT OR CROSS EXAMINATION. MS. PARSONS AND MR. STALVEY EXCHANGE WENT LIKE THIS:

Q. "Did you ACTUALLY Negotiate this Plea?"
R.P. 21 (Page 75, line 8; PCR Transcript).

A. "Oh, Well NO NOT Really." R.P. 21 (Page 75; line 9; P.C.R. Transcript).

Q. "Okay, Thank you, No More Questions."
R.P. 22 (Page 76 line 15; PCR transcript).

Ms. PARSON then for the first time noticed the ORIGINAL FIVE (5) YEAR Plea Agreement, Strong-Armed Ms. Moffitt (Court Reporter) to change language from the Plea transcript to PLEASE the State, and she refused Attorney Ferguson's objection not to have the language changed:

"Dear Judge Goode:

Ms. PARSONS sent me a copy of the Proposed Order... I sent her a letter containing my requested changes... but she was unwilling to agree to any of the proposed changes other than correcting a typo!! R.P. 23 (June 4, 2008 letter to Judge Kenneth G. Goode).

Ms. Moffitt's September 1, 2009 letter confirmed she caused into the pleasure of Ms. Parson's despite having no authority to do so:

... the Court Reporter shall retain the primary and back-up tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party to allow any party to challenge the accuracy of the court reporter within (30) day period. The tapes may be reused or destroyed.
" Rule 607(i) SCACR.

By Ms. Moffitt's own admission, the transcript was provided to the state on "October 23, 2007". R.P. 24 (September 01, 2009 letter from Ms. Moffitt).

Her letter and transcript changes dated over 2-years later were barred under Rule 607(i) SCACR.

BECAUSE Ms. PARSONS FAILED TO CHALLENGE THE ACCURACY OF MY 2007 TRANSCRIPT. ACCORDINGLY Ms. LINDA D. MOFFITT (Circuit Court Reporter) HAD NO AUTHORITY TO CHANGE ANY LANGUAGE WHATSOEVER IN MY PLEA TRANSCRIPT IBD.

Furthermore, the Affidavit signed by Ms. Moffitt which indicated the page and line numbers she unlawfully changed is also without authority under S.C. Code Ann. § 26-1-90 (B) (2) because the alleged Notary's name is not printed;

The alleged Notary's Commission expiration date was not put on the Affidavit as requested under § 26-1-90 (B) (3) "Statement of the date the Notary Commission expires..." Nor was the alleged Notary's seal imprinted on the Affidavit which must bear the name of the Notary and again the date his/her Commission expires.

"A Notary is a Public Officer, who, by his hand and seal authenticates certain classes of documents."

Matter of McGuinn 272 S.C. 366, 252 S.E. 2d 122 (1978) id at 122. The Credibility of Notarized documents is essential to the Viability of our legal System" Matter

OF CELSOR 330 S.C. 497, 499 S.E. 2d
809, id. 811. I Submit to this Court, the AFFID-
AVIT Ms. MOFFITT Attached to her UNLAWFUL
CHANGE to the PLEA transcript (ARREST WARRANT
NO. (S) 2006-GS-11-413-416) ARE FRAUDULENT,
THUS CANNOT PROVIDE ANY CREDENCE TO THE
CHANGES OF MY PLEA transcript; CONSEQUENTLY,
THE NOTARIZED DOCUMENT ATTACHED TO THE LANGUAGE
IN MY PLEA transcript IS NOT AUTHENTIC, AND
CANNOT BE USED AS AN LEGAL DOCUMENT IN ANY
COURT OF THIS STATE.

Ms. MOFFITT EVEN ADMITTED SHE CHANGED
LANGUAGE IN MY PLEA transcript WHEN
CONTACTED BY THE ATTORNEY GENERAL'S OFFICE:

"This transcript was delivered in October
of 2007 there was no question until Septem-
ber of 2009 when I was contacted by the
[A]ttorney General's Office . . . "R. PP 25, 27
September 30, 2009 letter to Mr. Ferguson and
her AFFIDAVIT,

FINALLY, ON September 09, 2009 Filed their
"MOTION to Correct the Record and File A Supple-
mental Appendix introducing the FAKE AFFIDAVIT
Signed by Ms. MOFFITT, AND THE TIME BARRED AMENDED
PLEA

transcript to this Court requesting this Court to Grant it's Motion to Correct the Record And Supplement their Appendix.

The Motion Cited Absolutely No Authorities, but this implied Statement that this Court believed, R.P. 10-12 (Motion to Correct Record...). This Court Granted their motion on January 21, 2010. The implied Statement Amount to Hearsay under Rule (801)(c) S.C.R.E., And therefore, Not Admissible to Prove the truth of this Matter Assented by the State.

Since the changes to my plea transcript were well Passed the 30 day deadline Under Rule 609(C) SCAP; " IF NO CHALLENGE [to the ACCURACY OF THE transcript] is received by the Court Reporter within the (30) day period... "the transcript CANNOT thereAFTER be changed, thus this Court had NO Jurisdiction to Grant the State's Motion to Correct the Record And to Supplement the Appendix on it's Order dated January 21, 2010. R.P. 14 (Page 2 of Court's Order)

even though this is the year of 2016, "Subject Matter Jurisdiction"..... involves A Court's Power to hear A Case, it CAN NEVER be Forfeited or WAIVED;

CONSEQUENTLY, DEFECTS IN SUBJECT MATTER JURISDICTION REQUIRE CORRECT REGARDLESS OF WHETHER THE ERROR WAS RAISED IN [CIRCUIT] COURT "U.S. V. COTTON 535, U.S. 625, 122 S.C. 4. 1781 (2002), id AT 1785, SEE ALSO STATE V. GENTRY 363 S.C. 93, 610 S.E. 2d 494 (2005), id AT 498.

THE ASSISTANT ATTORNEY GENERAL MICHELLE PARSON KELLY MANIPULATE AND FILED FORGED DOCUMENT IN THIS COURT AND PUT EMBARRASSMENT ON THIS COURT.

THE FOURTEENTH AMENDMENT DUE PROCESS (LIBERTY) (INTEREST) UNDER THE UNITED STATES CONSTITUTION PROHIBITS ILLEGAL MEANS BY OFFICERS OF THE COURT OF THIS STATE AND THE DISPLEASURE BY THE STATE OF MY 5 YEAR PRISON SENTENCE BY FRAUDULENTLY FORCING MS. MOFFETT TO PUT ONE (1) IN FRONT OF MY 5 YEAR SENTENCE... RULE 601(i) SCACR BARRED JURISDICTION BY THIS COURT; THEREFORE, THE SOUTH CAROLINA SUPREME COURT WAS WITHOUT JURISDICTION TO GRANT THE STATE'S MOTION TO CORRECT THE RECORD AND SUPPLEMENT THE APPENDIX.

4.

ARGUMENT:

STATE FILED MOTION
UNDER WRONG COURT
RULE WAS STRUCTURAL ERROR

11.

ON September 09, 2009, the State filed its motion to correct the Record and file a Supplemental Appendix under Rule 224 SCACR which was the wrong Rule to file motions in this Court, as of April 29, 2009, this Rule was amended to Rule 240 SCACR:

Pursuant to Rule 224 of the South Carolina Appellate Court Rules ... "R.P. 10 (Page 1 of State's motion) was language of the State's motion filed in this Court on or around September 09, 2009, R.P. 12 (Page -3 of State's motion).

This Court reasoned under State v. Rivera 402 S.C. 225, 741 S.E. 2d 694 (2013) ... "An error is structural if it ... [surpasses] the Criminal Process" id., at 704. My Due Process; Liberty; interest Federal Constitutional Rights were violated which amounts to an structural error; Accordingly, the State's Motion id., must be stricken from this Court's Record and the January 21, 2010 Order of this Court is null/void.

5.

CONCLUSION

The State and the Court Reporter conspired to change the Record of my transcript unlawfully

CHANGED MY 5-YEAR PRISON SENTENCE ILLEGALLY INTO AN 15-YEAR PRISON SENTENCE.

THIS COURT WAS DUPED INTO GRANTING THE STATE'S MOTION. THE ADMINISTRATION OF JUSTICE HAS BEEN SABOTAGED, THE STATE, NOR THIS COURT HAVE UNLIMITED POWERS TO DO WHATEVER; HOWEVER, OR WHENEVER THEY PLEASE. THE LAWS OF OUR STATE, AND THE COTTON COURT, ALL MAKE CLEAR:

THE SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE CANNOT SEIZE POWER, THEY HAVE NO LEGAL RIGHT TO HAVE.

6.

RELIEF REQUESTED:

BASED ON THE FOREGOING FACTS, I REQUEST THE FOLLOWING RELIEF:

WHEREFORE; GRANT MY PETITION FOR A WRIT OF CERTIORARI TO REVIEW POST-CONVICTION RELIEF UNDER RULE 243(C) SCACR ON ALL LEGAL ISSUES PRESENTED:

ORDER: A BRIEFING SCHEDULE ON ALL LEGAL ISSUES PRESENTED: REVOKE THIS COURT'S JANUARY 21, 2010 WHICH WAS THE ORDER GRANTING

the State's Motion to Correct Record and Supplement Appendix; Issue. Any Memorandum Order and/or any other Order that this Court's legal reasoning conformed to;

Any other Relief this Court deems Just, Proper and/or impartial.

Respectfully Submitted,

~~Steven W. Littlejohn~~

STEVEN W. LITTLEJOHN # 321946
TURBEVILLE CORRECTIONAL INST.
1578 CLARENCE COKER HWY.
TURBEVILLE, SO. CAR. 29162

DATED: July 25, 2016

PETITIONERS PROOF OF SERVICE

The State of South Carolina

IN THE SUPREME COURT

APPEAL FROM CHEROKEE COUNTY COURT OF COMMON PLEAS

KENNETH G. GOODE, Circuit Court Judge

LOWER COURT CASE NO. 2013-CP-11-0192

APPELLATE CASE NO. 2016-001368

STEVEN W. LITTLEJOHN
SCDC NO. 321946

PETITIONER,

v

STATE OF SOUTH CAROLINA Respondent,

I, STEVEN W. LITTLEJOHN, THE PRO SE PETITIONER IN THE ABOVE CAPTIONED CASE, SERVED ON THE ATTORNEY FOR RESPONDENT BY UNITED STATES MAIL WITH PROPER POSTAGE AND PROPERLY ADDRESSED THE FOLLOWING LEGAL DOCUMENT ON THE DATE BELOW:

RULE 243(C) SCACR EXPLANATION BRIEF
SUPPORTING APPENDIX

OFFICE OF THE ATTORNEY GENERAL
ALICIA A. CHUE, ESQUIRE
P.O. BOX 11549
COLUMBIA, SO. CAR. 29211-1549
ATTORNEY FOR RESPONDENT

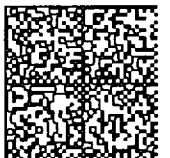
Respectfully Submitted,
Steven W. Littlejohn
STEVEN W. LITTLEJOHN #321946
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Legal Mail