FORM 18
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra Jefferson, Circuit Court Judge

Opinion No. 2016-000967 (S.C. Ct. App. filed July 28, 2016)

The State of South Carolina,

Respondent,

v.

Glynndeavin von Fox, Petitioner.

PETITION FOR A WRIT OF CERTIORARI

Glynndeavin von Fox
164 Market Street, Suite 117
Charleston, South Carolina 29401
(843)330-7200
Pro Se

Other Counsel of Record:
Charles W. Patrick, III
101 Meeting Street
Charleston, South Carolina 29401
Attorney for Respondent

INDEX

CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on July 28, 2016.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in holding that this action is not barred by res judicata?

STATEMENT OF THE CASE

The issue with the order regarding a Blair Evaluation to stand trial for oneself under the United States of America and the South Carolina constitutions is the reasoning for filing with this high and ultimate court within South Carolina law. The violations of the United States constitution and the South Carolina constitution are based on the due process, and right to self-representation. The federal amendment of the Sixth to the United States constitution allows a person to self-representation that is qualified.[1]I, Glynndeavin von Fox, am more than qualified beyond a high school diploma, which measures the standard of literacy with the United States Department of Education, and this is through the numerous university level courses that I have; with a current GPA of a 3.5 at a division one university. The South Carolina requirement to self-representation is found in the South Carolina Code of Law Title 17, Chapter 23, Section 17-23-60, and the South Carolina constitution under Section 14 of the Declaration of Rights.[23]

The issue for the case to be filed with the South Carolina Supreme Court is with the case being brought to the trial docket, and jury qualification begun without Rule 4 styled notification.[4] The Charleston County Court had enough faith to begin the trial with jury qualification, and a key witness on behalf of the state had a family emergency which stopped the trial from going forward. The Assistant Solicitor Charles W. Patrick, III used this time to use emails of a situation that the previous Assistant Solicitor Stephanie Linder already had in possession from a relieved attorney, a one, Cameron Blazer, Esq of Savage Law Firm. The interaction from a conversation regarding Tokyo, Japan under Japanese legal matters had already been disproved by the report from Dr. Randolph Waid regarding the battery of testing required by the 9th Circuit Court, and it also included the executive battery of psychological testing. The test conducted showed no mental illness similar to the Blair Evaluation, and was given to the Honorable Deadra Jefferson on the 23rd of March, 2016 before the placement of the motion and order of the Charleston County Court on the 28th of April, 2016 to have a mental evaluation to stand trial Pro Se.

The Court of Appeals affirmed the judgment of the circuit court. The State of South Carolina v. Glynndeavin von Fox, Op. No. 2016-000967 (S.C. Ct. App. Filed July 28, 2016). Petitioner seeks a writ of certiorari to review that decision.

ARGUMENT

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[The State of South Carolina through the 9th Circuit Solicitor placed the trial on the docket on the 4th of April, 2016. The trial was pulled out of the trial docket for a key witness to travel to New York. The state was confident in April 4th, 2016, and no event in the defendant caused a mental issue. Violations of the Sixth Amendment to the United States of America Constitution and South Carolina Constitution Section 14 of the Declarations of Rights was also violated.]

2. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[The State of South Carolina knew of the emails of Dr. Susan Knight in 2014, and placed the appellant in the PTI program through this knowledge of emails sent between Cameron Blazer, Esq. to Dr. Susan Knight. Therefore the state knew of the issue between the period of the appellants return from Japan before placing confidence on a trial docket. This violates Title 16, Chapter 17, Section 16-17-10 (b) of the South Carolina legal code.]

3. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[The State of South Carolina is relying on Rule 902 violated documents that were from a foreign country, which is not similar in nature to the United States of America for the following reasons: The Emperor of Japan is the absolute monarch of Japan, controlling everything from the national religion of Shinto, to the selection of the Prime Minister of Japan, and settles all disputes in the Japanese Diet that cannot be resolved by vote. The country of Japan does not have a right to represent oneself, the right to jury of peers, the ability to have a fair judgment by a certified judge that is ratified by a senate vote and selection process, and the separation of church and state.]

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

August 10, 2016

/s/ Glynndeavin von Fox
Glynndeavin von Fox
164 Market Street, Suite 117
Charleston, South Carolina 29401
(843) 330 7200
Pro Se

[1] YALE UNIVERSITY, "CONSTITUTION OF THE UNITED STATES: BILL OF RIGHTS," *WWW.AVALON.LAW.YALE.EDU*, ACCESSED ON 1 AUGUST 2016, HTTP://AVALON.LAW.YALE.EDU/18TH_CENTURY/RIGHTS1.ASP.

[2] SC STATEHOUSE, "TITLE 17—CRIMINAL PROCEDURES," *WWW.SCSTATEHOUSE.GOV*, ACCESSED 1 AUGUST, 2016, HTTP://WWW.SCSTATEHOUSE.GOV/CODE/T17C23.PHP.

[3] SC STATEHOUSE, "ARTICLE 1, DECLARATION OF RIGHTS," *WWW.SCSTATEHOUSE.GOV*, ACCESSED ON AUGUST 1 2016, HTTP://WWW.SCSTATEHOUSE.GOV/GETFILE.PHP?TYPE+CONSTITUTION&ARTICLE=A01

[4] SC JUDICIAL DEPARTMENT, "RULE 4 PROCESS," *WWW.SCCOURTS.ORG*, ACCESSED ON 1 AUGUST 2016, HTTP://M.SCCOURTS.ORG/COURTREG/DISPLAYRULE.CFM?RULEID+4.0FSUBRULEID+&RULETYPE+CIVP.

The South Carolina Court of Appeals

The State, Respondent,

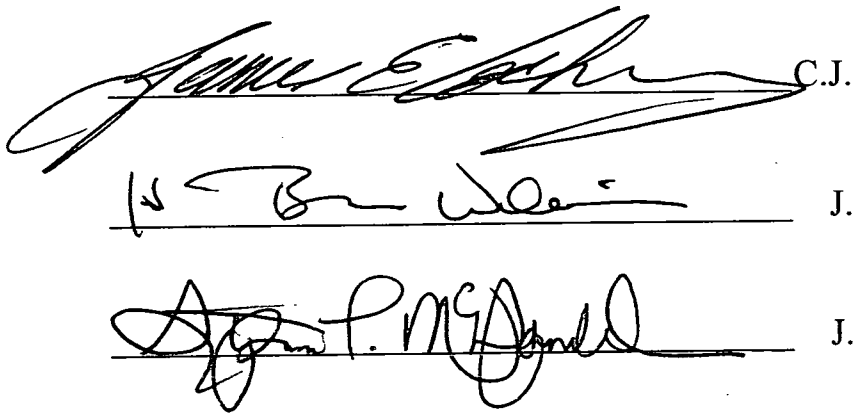
v.

Glynndeavin von Fox, Appellant.

Appellate Case No. 2016-000967

ORDER

Appellant has filed a "petition for reinstatement," which we construe as a petition for rehearing. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



C.J.

J.

J.

Columbia, South Carolina

FILED

July 28, 2016

cc:
Glynndeavin von Fox
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra Jefferson, Circuit Court Judge

Case No. 2016-000967

The State of South Carolina,

Respondent,

v.

Glynndeavin von Fox, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the South Carolina Attorney General Office of Alan McCrory Wilson, Esq. by depositing a copy of it in the United States Mail, postage prepaid, on August 12, 2016 addressed to, P.O. Box 11549, Columbia, S.C. 29211.

August 10, 2016

s/ Glynndeavin von Fox
Glynndeavin von Fox
164 Market Street, Suite 117
Charleston, SC 29401
Pro Se

CERTIFIED MAIL®

7016 0340 0001 0632 5392

UNITED STATES POSTAGE

PITNEY BOWES

02 1P $ 006.13⁰

0004001424 AUG 11 2016

MAILED FROM ZIP CODE 29401