

PRO SE: BRIEF OF DEFENDANT

APPELLATE COURT

CASE NO:

THEREFORE NOW COMES DEFENDANT IN A PRO-SE BRIEF TO SHOW THIS HONORABLE COURT THE ISSUES AT HAND. THAT P.C.R. COUNSEL AND PLEA COUNSEL FAILED TO DO.

[1.] THE WARRANTS IN THIS CASE ARE A NULLITY AND VOID PROCESS. "WHY" THE AFFIANT ON THESE WARRANTS, ALSO SERVED THESE WARRANTS ON THE DEFENDANT. THIS IS BIAS AND PREJUDICE AND TANTS THE PROCESS OF THE OUTCOME. COUNSEL SHOULD HAVE SURPRESS THE WARRANTS IN A MOTION. BOTH COUNSEL'S ARE INEFFECTIVE OF NO ASSISTANCE.

[2.] THE JURISDICTION IS NOT VESTED ON THE SO CALLED INDICTMENTS, UNDER RULE 3, C. THESE INDIC-TMENTS ARE NOT CLOCK STAMPED AS ITS BEEN ORDER BY THE [CHIEF JUSTICE, OF SUPREME COURT] LOOK TO CASE NO: 2002-10-23-01

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[3.] AS A PRELIMINARY MATTER, IT MUST BE NOTED THAT ISSUES RELATED TO SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANY TIME. CARTER V. STATE, 329 S.C. 355, 495 S.E. 2D 773 [1998]

PURSUANT TO S.C. CODE ANN, § 17-19-20 [1985] AN INDICTMENT IS DEEMED SUFFICIENT WHERE, IN ADDITION TO ALLEGATIONS AS TO TIME AND PLACE, AS REQUIRED BY LAW, THESE INDICTMENTS IN THE BODY DOES NOT STATE WHERE IN HORRY CO. THE CRIME HAPPEN. THIS LEFT THE GRAND JURY TO SPECULATE ON ESSENTIAL ELEMENTS OF THE OFFENSE. THE GRAND JURY IS NEVER TO BE LEFT TO SPECULATE ON ANY ELEMENTS OF THE OFFENSE.

COUNSEL ON PLEA SHOULD HAVE PUT A MOTION IN COURT TO QUASH THE INDICTMENT, OR P.C.R. COUNSEL SHOULD HAVE RAISED THIS ISSUE AT P.C.R. HEARING.

BOTH COUNSELS ARE INEFFECTIVE AS OF NO ASSISTANCE. [4.] THE S.C. CODE OF LAW IS NOT ON THE FACE OF ANY OF THESE INDICTMENTS. THIS MAKES THESE INDICTMENTS FAULTY AND DEFECTIVE. COUNSEL IS INEFFECTIVE IN NOT RAISING THIS TO THE COURTS.

[5.] THE JURISDICTION IS NOT PROPERLY WAIVED ON INDICTMENTS 2013-GS-26-03988 OR 2013-GS-26-03990 THE JUDGE MADE A JUDICIAL ERROR ON NOT PUTTING THE WAIVER ON RECORD. THE COURT DID NOT HAVE JURISDICTION ON THESE INDICTMENTS. THE RECORD IS CLEAR SHARPER V. STATE, 279 S.C. 264, 305 S.E. 2D 247 [1983]

ALLEGATIONS THAT RAISE QUESTIONS OF FACT NOT CONCLUSIVELY REFUTED BY THE RECORD REQUIRE AN EVIDENTIARY HEARING BE CONVENED.

[6.] THE JUDGE IN CANVASING RULE [11.] LEFT OUT ISSUES THAT SHOULD HAVE BEEN TOLD TO THE DEFENDANT. LIKE, HAS ANY ONE PROMISSED OR THREAT OR COERCION YOU INTO PLEADING HERE TODAY,

AND THE MINIMUM PENALTY AND MAXIMUM, WAS NOT TOLD TO DEFENDANT. BECAUSE THE DEFENDANT WAIVES SEVERAL CONSTITUTIONAL RIGHTS BY PLEADING GUILTY, THE DUE PROCESS CLAUSE REQUIRES THAT GUILTY PLEAS ARE ENTERED INTO VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY.

BOYKIN V. ALABAMA, 395 U.S. 238 [1969] PITTMAN V. STATE, 337 S.C. 597, 524 S.E.2D 623 [1999] BOYKIN REQUIRES THAT A DEFENDANT BE MADE AWARE OF THE RIGHT TO A JURY TRIAL, THE PRIVILEGE AGAINST SELF INCRIMINATION, AND THE RIGHT TO CONFRONT ONE'S ACCUSERS. ADDITIONALLY, THE S.C. SUPREME COURT REQUIRES THAT A DEFENDANT ENTERING A GUILTY PLEA BE MADE AWARE OF THE NATURE AND CRUCIAL ELEMENTS OF THE OFFENSE, THE MAXIMUM AND ANY MINIMUM PENALTY, AND THE NATURE OF THE CONSTITUTIONAL RIGHTS BEING WAIVED. COUNSEL AT PLEA AND P.C.R. BOTH ARE VERY INEFFECTIVE OF ANY ASSISTANCE.

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[7.] HOWEVER, WHEN FACED WITH AN IRREGULARITY IN AN INDICTMENT AND THE EVIDENCE OF RECORD IS INSUFFICIENT TO SHOW THE ACTION TAKEN BY THE GRAND JURY, IT IS PROPER FOR THE APPELLATE COURT TO REMAND FOR AN EVIDENTIARY HEARING TO DETERMINE WHETHER THE TRIAL COURT HAD SUBJECT MATTER JURISDICTION. STATE V. GRIM, 341 S.C. 63, 533 S.E. 2D 329 [2000] ANDERSON V. STATE, 338 S.C. 629, 527 S.E. 2D 398. [CT. APP. 2000]

[8.] FOR ALL THE REASONS STATED IN THIS PRO-SE BRIEF, DEFENDANT REQUEST THIS PLEA BE VACATED AND DEFENDANT SET AT LIBERTY.

### PROOF OF SERVICE

BEING DULY SWORN, I STATE AND DEPOSE THAT ALL IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE, WHERE STATED TO BE TRUE AND CORRECT.