

The State of South Carolina  
IN THE S.C.T. OF S.C.

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APR 10 2017

S.C. SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY  
COURT OF COMMON PLEAS  
DIANE S. GOODSTEIN  
1st. Circuit Judicial

THOMAS HARLEY #162293 - PETITIONER, - Appellate - CN-17-0029  
- vs - Lower Court - CN-14-CP-38-0800

The State of S.C.  
J. Clayton Mitchell - Respondents

"Rule 243(C) OF THE S.C. APP. CT. RULE"

Other Counsel of Records  
J. Clayton Mitchell - ESQ.  
P.C.R. Div. - 1st. Circuit  
P.O. Box 11549  
Columbia, S.C. 29211

Sincerely  
Thomas Harley #162293  
Thomas Harley - Pl. Sec.  
S.C.D.C. Unit #134  
4460 Broad River, Rd.  
Columbia, S.C. 29210  
04/04/17

- (A) -

LEGAL MAIL

The petitioner received the information from the S.Ct. Clerk from the Honorable Ruston Wesley Neely, Esq. dated 03/20/17.

Since the order of the Circuit Court determines that this action is barred as being successive and as being continuing under the statute of limitation with the petitioner explain as to why this determination was improper as follows - The record shows as evidence of documents.

(A) - "PRE-TRIAL MATTER"

(1) - The petitioner did not receive a ARREST WARRANT.

(2) - The petitioner did not receive a INDICTMENT.

(3) - The petitioner was not before the Court of the preliminary matter proceeding, and wanted one. "See" § 357 Arraignment and Pleas General. "See" *U.S. GRAIN - vs - ARK.* 16 S.Ct. 952-162-45. 625-40 L.ed 1097. - *State vs - THOMAS* 275-p. 7d 408-78 ARIZ. 52.

(B) - "INEFFECTIVE ASSISTANCE OF COUNSEL"

The petitioner alleges ineffective assistance of counsel. - "SEE" OF THE RECORD documents of PRE-TRIAL MATTER (M) OF PETITIONER CASE, CN-# 14-CP-38-0800 AMENDED CONDITIONAL ORDER OF DISMISSAL, At Pg# 107. - ~~Three~~ Pg# 707. "SEE" *Strickland vs - Washington*, 466 U.S. 668 (1984).

(C) - "HEARING ON APPLICATION FINAL JUDGMENT"

(1) - The petitioner alleges that counsel's representation of me at trial and p.c.b. proceeding did not meet constitutional standard of adequacy.

(2) - To determine whether appellate counsel representation of him at trial met constitutional standard of adequacy. "SEE" *Roper vs - State*, (S.C. 1973) 261 S.C. 288 189 S.C. 2d 761.

(d) - "Question"

(1) - The Court of Appeal should have held that the action is barred by Res-Judicata.

(2) - The Court of Appeal should have held that the action is before the court that the lower court did not have subject matter jurisdiction of the accused of the crime alleged, resulted from the court lacking following pre-trial matter of given the petitioner a Arrest Warrant, preliminary hearing, A indictment (or) before the Grand Jury or any information of a proper Grand Jury.

(E) STATEMENT OF THE CASE - COURT LACKED HAVING SUBJECT MATTER JURISDICTION

(1) - A petitioner may challenge the subject matter jurisdiction, which may be raised at any time. "SEE" Brown vs. State, 343 So. 342-540 So. 2d 846 (2001), which can be charged against my counsels. "SEE" State Land vs. Washington, 466 U.S. 668 (1984).

(2) - The petitioner has presented before the lower court, records of the pre-trial matter documents that shows as direct evidence to the claim that the lower court lacked having subject matter jurisdiction, to have subject matter jurisdiction to have authority to preside. "SEE" Roper vs. State of S.C. No. # 19700 Oct. 09, 1973 - due process of law. U.S.C.A. #6-#14.

(F) "ARGUMENT"

(1) - The petitioner alleges that the court of appeal should have held that the action is barred by Res-Judicata "SEE" preliminary matter and proceeding GENERAL - E-357 ARRAIGNMENT AND PLEAS in GENERAL.

(2) - petitioner did timely object to the trial judge erroneous charge on the burden of proof.

(G) "CONCLUSION"

for the reason stated petitioner ask the court to grant the petitioner

#(2)

**LEGAL MAIL**

A writ of Certiorari. "I Pray."

Date 04/04/17

NAME — Thomas Harley, #162293 — Thomas Harley

Address — 4460 Broad River, Rd.

Columbia, S.C. 29210

Respectfully Submitted  
Thomas Harley

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The State of South Carolina  
IN THE S.Ct. OF S.C.

Appeal from Orangeburg County  
Court of Common Pleas  
DIANA S. GOODSTEIN  
1st Judicial Circuit

Thomas Harley, #162293 - Petitioner — Appellate Ct. 17-00679

- vs -

— Lower Court Ct. 14-CP-38-0800

The State of S.C. — Respondents

J. Clayton Mitchell - Att. Gen.

Affidavit of Service by Mail

PERSONALLY Appeal before me Thomas Harley who being first duly sworn stated:

#3

**LEGAL MAIL**

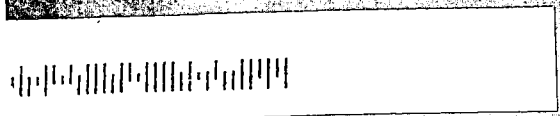
- (1) That I am a pro-se petitioner in the above captioned action.
- (2) That regular communication by mail exists through out the state of S.C. And that this a proper circumstance of service by mail.
- (3) That I have this day served a copy of the rule # 243 (c) of the S.C. App. Ct. rule in explanation. To J. Clayton Mitchell-SSG, P.O. R. Div. 1st Circuit, P.O. Box 11548 Columbia, S.C. 29211. Above captioned matter on the following persons by depositing same in the United States Mail postage pre-paid.

This 5 day of April 2017 - Thomas Harley, Thomas Harley  
sworn to before me, this 5 day of April 2017

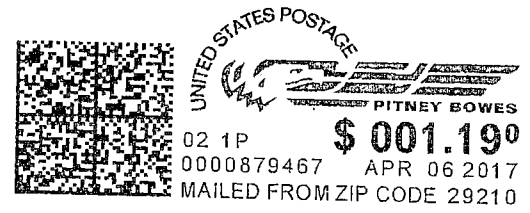
Notary Public. 9/16/2026

Thomas Harley #62283  
S.C. D.C. #134  
4460 Broad River Rd  
Columbia, S.C. 29210





29210



The Supreme Court of South Carolina  
DANIEL E. SHEAROUSE-CLERK OF COURT  
P.O. BOX 11336  
Columbia, South Carolina

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APR 06 2017  
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