

Bernard McFadden, 199135
Kershaw C.I./0137
4848 Coldmore Hwy.
Kershaw, S.C. 29067

05/31/2017

Declaration of Existing Controversy
And Liberty Interest In
Any Post-Trial
Courts

RECEIVED

Hon. Daniel E. Shearouse, Clerk
S.C. Supreme Court, P.O. Box
11330, Columbia, S.C. 29211

JUN 09 2017

S.C. SUPREME COURT

RE: McFadden vs. SCDC, Appellate Case # 2017-001176; Shearouse's
May 23rd, 2017, Letter Giving (15) Days, Explanation On Mootness

Dear Mr. Shearouse:

1) On the issue of mootness, I state that because there is a dispute between two dates - a correct 04/15/1995 start date claimed by me, and an incorrect 06/02/1995 date claimed by SCDC - a justice of this court can find a dispute.

2) And on issue of liberty, any post-trial court - like my (PER) case # 2011-CP-14-1952 now pending before this court alleging ineffective assistance of counsel for not conducting research of SCDC records and not objecting to my 2010 trial court's improper determination as to whether my 2d. degree burglary conviction I max-out before November 2000 was too remote in (PER) Issue # 3 - can rely on these erroneous SCDC records and again affirm the 2010 trial court determination.

3) That my 2010 burglary trial court improperly based its determination on a December 25th, 2000, max-out date at my November 18th, 2010, trial. The December 25th, 2000, max-out date is error because the sentence start date on Lawson BP Gas Station burglary should be from April 15th, 1995, and not June 02nd, 1995, making the sentence complete or too remote before November

01st, 2010. (See the related arrest warrant in the Appendix for the subject-matter conviction and no jail-time credited for that conviction from April 15th, 1995, Indictment # 95-GS-14-186 for Burglary 2d.)

4) That none of the courts below have addressed Paine vs. Baker, 595 Fed. 197, 202 (U.S. App. 4th Cir. 1979), a case that have been cited from the beginning and now in the petition before this court, indicating error in records is more significant when it may again be relied upon in any decision making process - in this case any post-trial court.

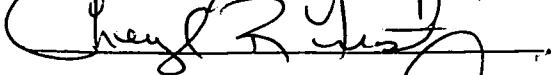
5) See Paine vs. Baker, cited in the Writ of Certiorari, claiming my federal due process right under the US Constitution is violated if the false information is again relied upon in a decision making process. That is, because any post-trial court can make that decision in the future, this case is not moot, even though I have fully served the sentence. Therefore, to obtain access to court, I ask Respondent to respond.

6) That there's hope in this information answering the inquiry. And thank you for your assistance concerning this matter.

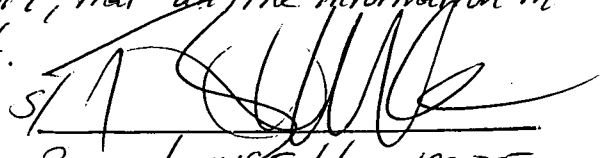
7) That I, Bernard McFadden, 199135, do declare under penalty of perjury this 31st day of May 2017, that all the information in this document is true and correct.

Sworn And Subscribed Before Me

This 31 day of May 2017



My commission expires: Jun 27, 2025



Bernard McFadden, 199135

Petitioner, pro-se

I also ask a judicial decision by a justice by filing this petition so I can next file a federal petition in the district court, fairly presenting due process claims.

Proof of Mailing

Appellate Case #: 2017-001176

The undersigned hereby certifies that a true copy of the attached matter has been mailed to the person(s) listed below by depositing a properly - addressed - stamped envelope in the U.S. Mail this 31st day of May 2017; such matter being: Declaration of Existing Controversy and Liberty Interest In Any Post-Trial Courts In Response To Shearouse's May 23rd, 2017 ^{Letter} Giving (15) Days For Explanation On Mootness:

1) Christina Catoe Bigelow,
Attorney, SCDC, Office of
General Counsel, 4444 Broad
River Rd., Columbia, S.C. 29221; and

2) Hon. Daniel E. Shearouse,
Clerk, S.C. Supreme Court,
P.O. Box 11330, Columbia
South Carolina 29211

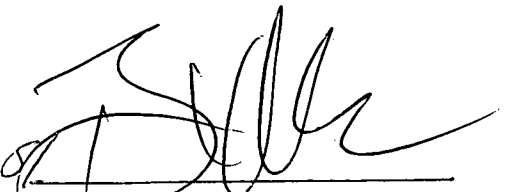
Sworn And Subscribed Before Me

This 31 day of May 2017

Cheryl R. Fied

Notary Public For South Carolina

My commission expires: Jan 27, 2025


Bernard McFadden, 188135
Petitioner, pro-se

Bernard McFadden, 199135
Kershaw CI/ OA 3~~8~~
4848 Goldmine Hwy,
Kershaw, S.C. 29067

Hen. Daniel Shearouse, Clerk
S.C. Supreme Court, P.O. Box
11330 Columbia, S.C. 29211

McFadden 199135
LEGAL

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JUN 05 2017

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THE DEPARTMENT OF CORRECTIONS AND
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