

DWAYNE FREDERICK,  
Appellate

v.

STATE of SOUTH  
CAROLINA, Respondent

Appellate Case No. 2017-000776

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JUN 19 2017

S.C. SUPREME COURT

DATE: JUNE 15, 2017

Motion

Ref: To Proceed With  
Action For Review.

This Motion is in reference to Appellate Case  
No. 2017-000776; lower court case No. 2016 CP 4001686.  
Appellate received an Order dated MAY 11, 2017,  
Time Extension dated JUNE 02, 2017 until JUNE 16,  
2017; received at institution on JUNE 12, 2017.  
Order on Rule(s) 243(c) of (SCACR), Rule 59 of  
South Carolina Rules of Criminal Procedure  
and the order for Appellate to file response  
indicating why this court should not prohibit  
Appellate from filing actions challenging his  
2005 guilty plea. Appellate's response  
are as follow(s):

Appellate first received ineffective assistance of sentencing counsel during the 2005 initial sentencing hearing, as counsel: #1 after being well aware of appellates mental disorder, history and commitments to asylums for treatment. Counsel neglected to request an evaluation for consider insanity defense. #2 Counsel neglected to investigate states evidences to form any strategic defense by further failing to challenge states DNA, Inconsistencies of allege sexual assault accounts, indefinite statements of suspect identities, Insufficient Burglary 1st Evidence, challenge of Incomplete Time frame, Victims Credibility and Reputation, And Failure to object or challenge states illegal process of procedures / an service when true Billing exist Indictment which lacks the Courts competent subject matter / personal jurisdiction.

Appellate received ineffective assistance of notice of appeal counsel as counsel: #1 failed corresponding to aware appellate of appeal process / or procedures. #2 Counsel failed to advise of Anders Brief / or process. #3 Counsel neglected to notify of appeals disposition, final or otherwise and the forty five (45) days to file any Briefs to raise issues on appeal; to secure appeal review.

THE LOWER COURTS Ruling on Final order of dismissal to Case No. 2016 CP4001686 is improper due to statements on final order of dismissal page 3 of 3. which states "THE APPLICANT has failed to sufficiently challenge the legality and sufficiency of the Harry County Grand Jury process. Further, The applicant has failed to provide any evidence that the Grand Jury did not convene in April 2000 as indicated on his True Billed indictment. BECAUSE THE APPLICANT has failed to state with any specificity the evidence supporting his claim, this court summarily dismiss this allegation with prejudice."

THESE STATEMENTS ARE IRRELEVANT TO THIS CASE AND DOES NOT PROVIDE ACCURATE INFORMATION PERTAINING TO THIS CASE. THIS CASE IS BASED IN Richland County and is in the term to be convened in January 2005, also, Appellate did present Circuit Court calendar evidences, and statute violations which lacks the courts sufficient and competent Jurisdiction. THE STATE did utilize illegal process of procedure / an SERVICE to substantiate indictment in question.

## CONCLUSION

Appellate asks this court not to implement filing restrictions or even prohibit this action from proceeding. Though, Appellate has filed four post-convictions which the state is ruling successive/untimely. Appellate's claims are very meritorious, and non repetitive.

Appellate asks this court to allow any form of constitutional justice or Appellate's violated rights by allowing Appellate opportunity to proceed under the Excusable Neglect doctrine. Due to Appellate's mental disorders, ineffective assistance of sentencing and notice of appeal counsel, also the lower courts improper ruling. Circumstances all beyond Appellate's reasonable control. Appellate was never afforded any competency testing or consideration; to receive a fair review under the established laws/an constitution, that govern the legal process. For those with mental disorders. It is clearly shown that Appellate did not receive fair process of procedure/an service of law during proceedings in which Appellate openly averts his incompetence.

CERTIFICATE OF SERVICE

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S.C. SUPREME COURT

I hereby certify that a copy of the foregoing document(s) was this date JUNE 15, 2017 was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

DATE: JUNE 15, 2017

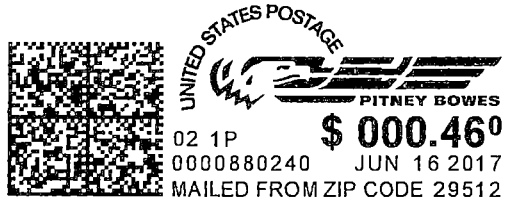
THE SUPREME COURT OF SOUTH  
CAROLINA  
DANIEL E. SHEAROUSE, clerk of  
P.O. BOX 11330 COURT  
COLUMBIA, S.C. 29211

JEANNETTE W. McBRIDE  
RICHLAND COUNTY  
P.O. BOX 2766  
COLUMBIA, S.C. 29202-2766

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DWAYNE FREDERICK # 880491  
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COLUMBIA  
SC 295  
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THE SUPREME COURT OF SOUTH  
CAROLINA  
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