

South Carolina Court of Appeals
(Honorables)

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AUG 11 2017

SC Court of Appeals

In addition to my last correspondence concerning my reasons or argument for appeal... Utilizing Chapter 24. Request Under South Carolina's Freedom of Information Act, I have discovered that there has been no indictment, arrest warrants, search warrant, or Rule 1, Sheriff To File Affidavits On Arrest, dated 3-22-2017 Request Number: 170-3229 (S.C. Code Ann. §§ 30-4-30-50) Also submitted under/Requested From (S.C. Code Ann. §§ 30-4-30-50) was the name of Foreman, that at a session of the State Grand Jury of South Carolina that allegedly convened in Columbia, South Carolina on April 11-13, 2016, regarding State Grand Jury of South Carolina vs. Emory W. Roberts Jr., also requested was the names of State Grand Jurors through §§ 24:2. Request for records letter, 2 S.C. Litig. Forms & Analysis §§ 24:2, F.O.I. Found no records pursuant to my request dated 3-22-2017. Also requested Form A (Rule 6), Form B (Rule 6), Form C (Rule 6), Freedom of Information finding no records pursuant to my request.

On 2-9-17 I requested from Freedom of Information if there were any standing or outstanding charges against Emory W. Roberts Jr, On 2-17-17 F.O.I. FOIA #1702226, F.O.I. responded that they found no records pursuant to my request. On 1-25-17 I also served the Freedom of Information requesting Discovery/Indictment, FOIA #1701218 to which F.O.I. replied that there were no records pursuant to my request. Also served the F.O.I. concerning jurisdiction over me and other questions regarding my arrest, custody, and proceedings, FOIA #1705212, Freedom of Information had no information regarding any of this.

The "Alleged" indictment dated April 13, 2016 was to be made public record on May 4, 2016, however no information could be found accessing these entities, it is my contention that this indictment never occurred, and that these documents were manufactured by the prosecution once realized that the prosecution was in violation of my 4th, 5th, 8th, and 14th Amend. To The Constitution, as well as being in violation of Art. I, section 11.

2) §14-7-1750. Indictment by State Grand Jury.

In order to return a "true bill" of indictment, twelve or more state grand jurors must find that (probable cause) exist for the indictment and vote in favor of it. Upon indictment by a state grand jury, the indictment must be returned to the presiding judge. If the presiding judge considers the indictment to be within the authority of the state grand jury and otherwise in accordance with the provisions of this article, he shall return the indictment by order to the county where venue is appropriate under South Carolina Law for prosecution by the Attorney General or his designee. The presiding judge may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial. Thereupon, the clerk of the state grand jury shall seal the indictment, and no person shall disclose the return of the indictment except when necessary for the issuance and execution of a warrant. (5th District Judge Had No Power To Issue Search Warrant In 9th District)

Fact: Defendant was arrested & illegally seized Feb. 8, 2016

Fact: Alleged Indictment/vote/probable cause couldn't occur until at least April 13, 2016

Fact: Defendant was arrested (2 Months & 5 days) before a "state grand jury" occurred, and denied a Preliminary in Richland County because of allegedly being directly indicted, before State Grand Jury was impaneled.

Fact: Presiding Judge could not consider indictment to be within the authority of the state grand jury and otherwise in accordance with the provisions of article 15, until April 13, 2016, so Judge could not possibly issue a search warrant from the 5th District to be executed in the 9th District, therefore denying defendant due process of law and search warrant being in fact invalid or forged violating defendant's 4th Amendment.

Also, in those cases where warrants are required, only a neutral and impartial judge or magistrate can issue it, 407 U.S. 345, 348, and only upon a showing of probable cause... 333 U.S. 10, 103 S.Ct. 2317. Also, an arrest warrant is constitutionally required to enter a person's home to effect an arrest. See 445 U.S. 573.

Stegald v. United States 451 U.S. 204 (1981)
Evidence would be inadmissible because the search was not pursuant to a valid arrest. An arrest in a private residence requires an arrest warrant.

There was never any warrant for my arrest (Warrant Enclosed), or Search Warrant, and that Search Warrant dated 2-5-16 was also manufactured, forged at best because a 5th District Court Judge in Columbia could not issue a search warrant in the 9th District, and unable to claim "State wide jurisdiction" to have the power to issue "Warrants" the jurisdiction over (Not in accordance with the provisions of Article 15, State Grand Jury Act), as well as the Facts that the alleged indictment/imprisoned April 13, 2017 occurred exactly 2 Months And (5) days after Defendant was arrested and denied a Preliminary Hearing on the basis that "this was a direct indictment," Defendant was Arrested (Feb 8th 2016). Defendant's 4th Amendment, Right To Privacy was violated when Defendant as well as property was illegally searched and seized, in addition "Warrant" was not signed by an issuing judge, nor had a judge code, and the "Arrest Warrant" was a Dorchester County "Warrant." (Warrant Enclosed) Federal standards pertaining to the issuance of Search warrants are applicable to the states. U.S.C.A. Const. Amends. 4, 14; Const. Art. 1, § 16. Defendant was never served any valid warrants and was Unlawfully imprisoned at (Alvin S. Glenn Detention Center, Richland County, Columbia) For 4 Months In violation of Art. 1, Section 11, and then "dropped off" at Hill Finkler Detention having been served no arrest warrant or any warrants for "alleged" indicted offenses, nor brought to a Bond Court In Berkeley County to be made aware of nature and cause of accusations against me in violation of my 6th Amend. Rights To U.S. Constitution (Defendant was initially arrested Feb. 8, 2016 for crimes occurring in Berkeley County, but was not charged, booked, or arraigned in Berkeley County) Defendant contends that various Due process violations prejudiced defendant's Constitutional Rights. Defendant was the only defendant present at trial and prejudiced by the evidence of other Defendants who wasn't present or had plead out, defendant's Counsel was ineffective and non-responsive to defendant's pleas for a motion of severance, as well as not preserving important issues, and not making proper and timely objections.

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J. Turner
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(Article 15. State Grand Jury Act)

§14-7-1640. Indictment by state grand jury; powers and duties of the state grand jury. "A state grand jury may return indictments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned (it must be certified) (See: Indictment Dated 4-13-16) (Not Certified)

And transferred for prosecution to the county where the offense was committed in accordance with Section 14-7-1750.

Indictment must be certified and transferred, (Not Defendant) In violation of Article 1, Section 11 of S.C. CONST - Presentment or indictment, Defendant was illegally seized in Berkeley County and taken directly to Richland County, Columbia to answer for a crime "allegedly" occurring in Berkeley County.

S.C. CONST. Art. 1, § 11 - Presentment or indictment

No person may be held to answer for any crime the jurisdiction over which is not within the magistrates court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed.

Amendment VI... (Violated)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

James V. Kentucky, 466 US 341, 80 LED 2d 346, 104 S ct. (1984)
The Supreme Court held that statutes did not take precedent over Constitutional Law.

§ 14-7-1700. Record of testimony and other proceedings of grand jury; furnishing of copy to defendant; transcripts, reporters notes and all other documents to remain in custody and control of Attorney General.

§ 14-7-1700 .. a defendant has the right to review and to reproduce the stenographically or electronically recorded materials...

(Defendant was denied this Rule 5, South Carolina Rules of Criminal procedure, After numerous request from Defendant

to the Attorney General, Clerk of State Grand Jury, And the

Office of Court Administration (See Letter from Court Administration

Desiree Allen
Court Reporter Manager
South Carolina Court Admin.

November 16, 2016
Response Letter
for Transcript

dated November 16, 2016 that states there is no transcript from proceedings and that they have no information pertaining to my Preliminary hearing

Also, See Court of Appeals of South Carolina 319 S.C. 320, State v. Evans...

Indictment And Information
Place of Offense

Facts supporting state grand jury's jurisdiction must be set forth in indictment...

Defendant contends that Police Broke Down The Door To My Home Absent A Valid Search Warrant OR Valid Arrest Warrant, And has manufactured Fictitious, Unsigned Warrants, And violated S.C. CONST. Art. 1 § 11, And My 4th And 6th Amendments To The U.S. Constitution. Courts should not tolerate or condone disregard of law and arbitrary usurpation of power on the part of any officer." Ex parte Owen, 10 OKIA Crim Rep 284, 136, P 197, Ann Cas 1916 A 522.

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(Find Enclosed) 2 of The Exact Same Warrants (Identical)
Filed On 2 Separate Dates By State Grand Jury,
Before A State Grand Jury Even Occurred, Both
Dates Premature To The Actual Date of
State Grand Jury, (See Indictment Dated 4-13-16)
Also it appears as a two-part
Warrant, Being A Warrant From
Dorchester County, And The Bottom
of Warrant, An Address of
Columbia, so we have premature
State Grand Jury stamps and a
two-part, unsigned warrant
manufactured in efforts to
violate Due process of Law

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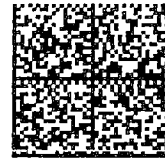
Emory W. Roberts Jr. # 373393

Kirkland Reception and Evaluation Center, F3-263

4344 Broad River Rd.

Columbia, SC 29210

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Honorable Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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AUG 21 2017

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