

ISSUE PRESENTED

Q: Did the State of South Carolina and the Aiken County South Carolina Second Judicial Circuit Solicitor commit a procedural error and fraud upon the Court, wrongfully obtaining an indictment and conviction of kidnapping requiring a statutory/mandatory sex registration where as the Court had no authority to try and/or convict the matter due to the Court's lack of subject matter jurisdiction resulting from such procedural error and fraudulent indictment process, specifically the unlawful convening of the Second Judicial Circuit Aiken County's Grand Jury?

ARGUMENT

The Appellant contends that the Aiken County Solicitor committed a procedural error, and fraud upon the Court, Second Judicial Circuit Aiken County, by unlawfully impaneling its Grand Jury outside of the legislated Statute of Law, S.C. Code Ann. § 14-5-630(1). This establishes the thesis of lack of subject matter jurisdiction.

This fraud committed upon the Court by the Solicitor, establishing such procedural error and creating the lack of subject matter jurisdiction of the Court by the unlawful impanelment of the Grand Jury outside the jurisdiction of the law and the Court of General Session Second Judicial Circuit, violates the South Carolina Constitution Art. I § 3; and U.S. Constitutional Amendment FOURTEEN (14), both of which expressly detail and embrace Due Process and Equal Protection of Laws.

The Equal Protection Clause in this section of the South Carolina Constitution means that no person or class of persons shall be denied the protection of laws enjoyed by other persons or classes (see Harrison v Caudle, 141 SC 407 (1927)).

This section of the South Carolina Constitution is in place to ensure that the Laws of South Carolina as enacted and set in place are applied to all equally. The State has broken and violated it's own law; therefore prejudicing the Appellant by denying him equal of law in and by permitting him to be indicted, tried and convicted before a South Carolina State Court of Law based on and with procedural error, and fraud of and by the State by the State's Officer of the Court in Place.

S. C. Code Ann. § 14-9-210 sets forth the jurisdictional requirements for the legal convening of a County/Circuit's Grand Jury stating it shall be during the terms of the General Sessions Court for that County/Circuit. The terms of the General Sessions Circuit Court for the Second Judicial Circuit Aiken County are unambiguously mandated in S. C. Code Ann. § 14-5-630(1) as the second Monday in January for two (2) weeks, first Monday in May for three (3) weeks, and the first Monday in October for two (2) weeks. The Aiken County Solicitor and Grand Jury of the Second Judicial Circuit did not adhere to or comply with these statutes of law, as the offense the Appellant was tried and convicted of was based on fraudulently obtained indicting documents/instruments bearing February 2000 dates. In this case of the Appellant, the record shows dates of February 24 2000 as TRUE BILLED with the signature of the Grand Jury Foreperson; and the body of the indictment instrument bears a February 28 2000 date indicating that the Grand Jurors of Aiken County, swearing upon oath convened, heard testimony, and voted to indict, on that date, outside of the statutory mandated terms of law for such action. In addition to the unlawful impanelment and convening of the Second Circuit Grand Jury of Aiken County in February of 2000, the blatant and flagrant disregard for the laws of

South Carolina are displayed by the Grand Jury Foreperson validating the indictment with a "TRUE BILL" stamp and his signature on February 24 2000, four days prior to the actual convening as sworn to upon oath of and by the members of the Grand Jury swearing to their convening on February 28 2000, hearing of testimony and voting to indict the Appellant on the charge of Kidnapping, four (4) days AFTER the TRUE BILL stamp and signature of the Grand Jury Foreperson. This procedural error and fraudulent obtaining of the Appellant's indictment and conviction process has now obligated the Appellant to the collateral consequence of a statutory mandated sex registry even though there were no sexual findings of any sort connoted. This registry requirement rest on an unreasonable basis. The State failed to produce any scientific and/or biological evidence proving that the Appellant committed any act requiring such registry, as the DNA test / kit results proved negative. It was ruled in Hendrix v Taylor, (SC 2003) 353 SC 542 that a registration requirement should rest on a reasonable basis under the equal protection clause of due process.

In light of this the thesis of the Court not having subject matter jurisdiction becomes applicable, as the Court had no authority to hear, try, and convict the Appellant as the indicting instrument was obtained by false, fraudulent and contemptuous pretense by the State of South Carolina Aiken County Second Judicial Circuit. This is a clear and unambiguous violation of South Carolina Law and South Carolina Constitutional Law Art I § 3, Due Process and US Constitutional Amendment FOURTEEN (14), Due Process and Equal Protection

As established in the aforementioned S.C. Code Ann. § 14-9-210 and § 14-5-630(1) are clearly jurisdictional statutes of law in South Carolina and set forth mandatory procedures to be utilized by the State and Solicitor for the lawful return of a TRUE BILL indictment. A substantial body of South Carolina Court rulings and Case law hold that a failure to comply with statutory law jurisdictional in nature deprives the Court of subject matter jurisdiction. See State v Brown 351 SC 522, State v Lofton, 276 SC 48, and State v Castleman, 219 SC 136.

Black's Law Dictionary defines "subject matter jurisdiction" as "jurisdiction over the nature of the case and type of relief sought, the extent to which a court can rule on the conduct of persons or the status of things."

In keeping with the mandated legislated intent of S.C. Code Ann. § 14-9-210 and § 14-5-630(1), the Solicitor and State has no jurisdiction to issue/return of true billed indictment except during a time when the Court of General Sessions is lawfully convened to oversee the Grand Jury process. Any action(s) of such a nature taken outside of the aforementioned statutory regulating laws would by necessity be deemed illegal, null and void.

The South Carolina Supreme Court has determined and ruled that ~~no~~ indictment may be true billed by a Grand Jury when the Court lacks jurisdiction. The Grand Jury must be impaneled under the jurisdiction of the Court of General Sessions before a lawful indictment can take place. See State v Wheeler 1868 WL 2624.

The Appellant will establish by the attached exhibit evidence that the State of South Carolina, Solicitor, Aiken County unlawfully impaneled it's Grand Jury outside of the term(s) and

jurisdiction of the Court of General Sessions for the Second Judicial Circuit Aiken County and willfully printed and published a fraudulent indictment instrument against the Appellant.

The South Carolina Legislature did not enact a provision in SC Code Ann. § 14-5-630(1) for a term of General Sessions Court for February. In the Appellant's case the Second Judicial Circuit Solicitor, Aiken County, South Carolina impaneled it's Grand Jury in the Court of Common Pleas, which has no authority to act upon criminal indictment or it's processes to return a true bill criminal indictment. See South Carolina Constitution Art. V § 1, and Dove v Gold Kist Inc, 314 SC 235.

By the South Carolina Statute of Law § 14-5-630(1) the Court of Common Pleas Aiken County shall be held on the fourth Monday of February for a term of two (2) weeks. It is obvious and proven by the attached exhibited evidence that the foreperson of the Aiken County Grand Jury willfully signed and true billed the indictment instrument on FEBRUARY 24, 2000 four (4) days before the full Grand Jury convened upon their oath on FEBRUARY 28, 2000. Not only has the foreperson TRUE BILLED the Appellant BEFORE the convening of the Grand Jury, but this is also during the month and term of the Court of Common Pleas Aiken County, NOT General Sessions. In Gaither v United States, 413 F2d 1061, the Court ruled that twelve (12) jurors must vote upon the indictment to render a valid indictment and TRUE BILLED instrument. Based on the evidence exhibited the foreperson made a conscious decision to sign and TRUE BILL a legal document/instrument and indict the Appellant outside the presence of a full Grand Jury panel.

It was ruled Pringle v State, 287 SC 409 (1986), the stamped application of "TRUE BILL" on the indictment form was taken as conclusive proof that the twelve (12)

member Grand Jury panel had voted to indict the defendant. In the present case this cannot be determined as to mark authenticity and validity of the instrument, as the foreperson of the Second Judicial Circuit, Aiken County Grand Jury did commit fraud, obstruction of justice, conspiracy to commit Official misconduct, and contempt of Court by violating the aforementioned statutes of law, and Articles of the South Carolina Constitution, and by violating the Appellant's procedural due process and equal protection rights.

CONCLUSION

When a Legislative enactment sets and determines the manner in which something may be done, the enactment also evinces the intent that it shall not be done another way. Therefore, since the Second Judicial Circuit Court and Solicitor for Aiken County utilized an unlawful mode of procedure not allowed under S.C. Code Ann. § 14-9-210, the State and Court lacked the requisite jurisdiction to complete and return a lawful true billed indictment.

RELIEF SOUGHT

For the reasons stated herein, the Appellant request this Honorable Court grant the Appellant relief through and by vacating his conviction and sentence, removal of mandated registry, based on the procedural due process lack of subject matter jurisdiction, denial of equal protection, the State's violation and infringement of South Carolina statutory and Constitutional law, and as a matter in the interest of justice.

Respectfully submitted,

Cedric Woods
Cedric Woods

Aug 11 2017

WITNESSES

H. Nimau, A.C.S.O.

FILED

April 19, 2000

[Signature]

C.C.P. & G.S.

[Signature]

Deputy Clerk

ARREST WARRANT NUMBER

644948

ACTION OF GRAND JURY

[Signature]

[Signature]

Coreperson of Grand Jury

Date: February 24, 2000

VERDICT

Coreperson of Petit Jury

Date:

DOCKET NO. 2000-GS-02-

465494^{w3}

1 of 2 Exhibits

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

~~FEBRUARY 28, TERM 2000~~

THE STATE

vs.

CEDRIC LLOYD WOODS

Indictment for

KIDNAPPING

SC Code: 16-3-910

CDR Code: 0095

Class FEL-A

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)


INDICTMENT

At a Court of General Sessions, convened on ~~February 28, 2000~~, the Grand Jurors of Aiken County ~~present upon their oath:~~

KIDNAPPING

That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, unlawfully seize, confine, abduct or carry away ~~A. M. E.~~ without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


BARBARA R. MORGAN, SOLICITOR

CERTIFICATE OF SERVICE

Cedric L. Woods #265789
Appellant

v

State of South Carolina
Respondent/Defendant

RECEIVED

AUG 15 2017

Case No.: 2016-002367

SC Court of Appeals

I, Cedric L. Woods #265789, prose Appellant in the above referenced case, do hereby swear and affirm by my signature below that on this 11th day of August, 2017, did serve a COPY of my briefing regarding the above referenced/captioned on:

South Carolina Attorney General's Office
P O Box 11549
Columbia SC 29221-1549

by United States First Class mail, postage Pre Paid.

Cedric L. Woods #265789

Cedric L. Woods #265789

August 11th, 2017

Cedric L. Woods # 265789
F3 B14 Allendale Corr Inst.
PO Box 1151
Fairfax SC 29827

Aug. 11, 2017

Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

RECEIVED

AUG 15 2017

SC Court of Appeals

Re: Woods v State of South Carolina,
2016-002367

Dear Honorable Clerk:-

Enclosed for filing in reference to the above case please find the prose Appellant's Brief with exhibits.

Please return to me a clock-stamped copy of the enclosed brief.

The Respondent has been served as affirmed by the enclosed Certificate of Service.

Thank you for your attention and assistance in this matter.

Sincerely,

Cedric L. Woods # 265789

Cedric L. Woods

Encl. = 1

cc = S.C. Atty. Gen. Dfc.

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PO Box 1151
Fairfax SC 29827

Legal Mail

Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

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MAILROOM
ACI

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SC Court of Appeals