

(8-11-17)

On Feb. 8, 2016 I was arrested in Berkeley County on state charges, and in violation of Article I § 11 of S.C. Constitution I was taken, along with Co-defendants directly to Alvin S. Glenn Detention Center, denied a preliminary hearing; denied my asserted right to a speedy trial, and held for (4) Months (February 8, 2016 to June 6, 2016), booked, finger printed, and arraigned on two occasions (February 9, 2016) (May 4, 2016) and was released to the same arresting SLED Officers (Justin Wingo) on 6-9-16 and then taken to Hill Finkler Detention Center in Berkeley County. My Parents have mail, as well as other documents to prove defendants presents at Alvin S. Glenn Detention Center which violated the S.C. Constitution, there are also other existing proofs as to Defendants being there as well. My Co-defendants names are as follows: Justin Hunter, LASSAN JOHNSON, Rosemary Avezada. Prosecution has put our arrest date as 6-9-16 trying to erase the four months spent in Alvin S. Glenn Detention Center, Columbia because it violates the S.C. Constitution. As I have said there exist other numerous proofs as to our incarceration in Alvin S. Glenn, Columbia for charges arising out of Berkeley County, one such proof would be my arguments/motions as Petitioner vs. Sheriff Dwayne Lewis as Respondent as well as S.C. Attorney Generals Office as respondent, and the Attorney Generals reply's to petitioners motions (See: C/A No. 2:17-453-RMG-MGB-Petition for Writ of Habeas Corpus). Another proof would be the Attorneys "Allegedly" appointed to Defendant, here are their names and addresses as follows: Eleanor Duffy Cleary, Cleary Law LLC, 1116 Blanding Street, Suite 2B
① Columbia, SC 29201; Timothy L. Griffith, Attorney at Law, 360 West Westmark Blvd, 2nd Floor, Sumter, SC 29150, as well as the first Attorney "appointed" to Defendant, Jeremy MacNealy, Richland County Public Defender, Richland County Judicial Center, 1701 Main Street, Post office Box 192 Columbia, SC 29201, (See: Response Letter from Paralegal for Jeremy MacNealy in response to Defendants letter to Attorney asserting his rights to a speedy trial and requesting a challenge to the unlawful search dated: March 24, 2016) you can also clearly see this letter is addressed to me at 201 John Mark Dial Drive, Columbia, SC 29209. Clearly if you look into computer this would probably be missing, but as I said I have made copies of every document and my Parents are in care of those documents. If one would take a look into the computer at my Co-defendant who was forced to plead (Duress), you would find an arrest date of 6-9-16 (LASSAN JOHNSON), the Prosecution has went above and beyond about hiding this Constitutional violation, As my right to appeal the judgment of the court on 7-28-17 a part of my argument would be to challenge the jurisdiction of the State Grand Jury (Even though I do not believe a State Grand Jury Occurred), and to challenge Berkeley County Subject Matter Jurisdiction being that once the S.C. Constitution Article I § 11 was violated on February 8th, 2016, Prosecution dismissed charges to hide the fact that this occurred which also violated/Prejudiced Defendants rights to a speedy and public trial under the 6th Amendment to the U.S. Constitution. As I have expressed above there are other proofs that an investigator would be able to access when the need arises. I humbly Ask this Court of Appeals to vacate this sentence in the interest of justice as proofs provide that this has been a miscarriage of justice, thanking you in advance, hoping you will enjoy your day.

(Enclosed See: Letter From Richland County Public Defender)

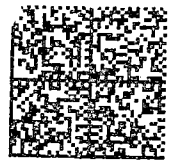
Places Marked ① and ② represent those Attorneys not located in the 9th District, nor have I ever been screened for an Attorney in the 9th District, Berkeley County, as a further proof.

Sincerely,
Emory W. Roberts Jr.
373393
Kirkland Reception

My Inmate # At Alvin S. Glenn

W.
CLERK OF COURT
RICHLAND COUNTY
P.O. Box 2766
Columbia, SC 29202-2766

Return to sender if not
delivered in five (5) days.



U.S. POSTAGE PITNEY BOWES
ZIP 29204 \$ 000.16⁵
02 1W
0001375672 JUL 01 2016

Emory W. Roberts Jr # 632510
Mill Pinklea Det. Center
300 California Ave
Monks Corner, SC 29461

No Record?
How far Address Me with
Alvin S. Glenn I.D. Number

(21)

2946184036 0001



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AUG 17 2017
SC Court of Appeals

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 765-2592
FAX (803) 929-6156

March 24, 2016

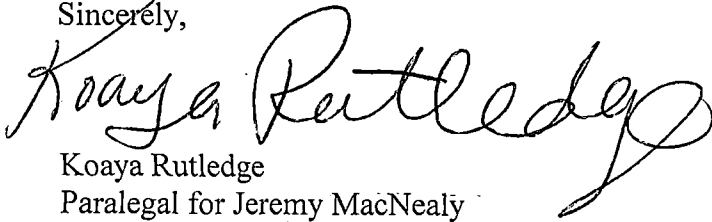
Mr. Emory W Roberts
Inmate Number: 632510
Kilo Dorm
201 John Mark Dial Drive
Columbia, SC 29209-

Dear Mr. Roberts;

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AUG 17 2017
SC Court of Appeals

This letter is to inform you that your case is being prosecuted by Attorney General Josh Underwood and an attorney will be appointed to your case to represent you. Mr. MacNealy does not represent you. We apologize for any inconvenience.

Sincerely,



Koaya Rutledge
Paralegal for Jeremy MacNealy

kr

Very Important

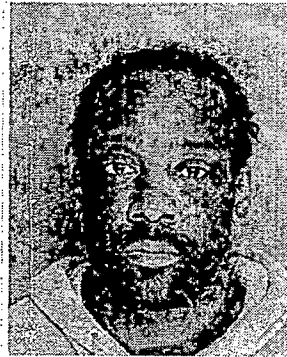
Very Important

<< Sheriff's Office >>

- Contact Us
 - Location & Phone Numbers
 - Report A Crime
 - Give us a Tip
- About Us
 - Sheriff's Biography
 - Chief Deputy
 - Employment
- Online Services
 - Inmate Search
 - Sex Offenders
 - RAIDS Online Crime Mapping
- Additional Information
 - Community Initiatives
 - Detention Center
 - Records

Home » Inmate Lookup

Inmate Lookup



ROBERTS, EMORY WARREN
 Race: B Sex: M
 Booked In: 2016-06-09 17:18:00
 Arresting Agency: Unlisted

CONSPIRACY TO TRAFFIC HEROIN

Bond
 Not set

6-9-16
 Hill Finkler Detention
 After being released to SLED
 in Columbia

Page: 1
 Return to search page ...

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SLED not wanting to be held accountable for Article 1 § 11 violation, so they "dropped" Defendants at Hill Finkler Detention Center being served no warrants at all and Bond from Columbia disappeared violating 8th Amend. U.S. CONST

(See: Letter from Attorney R. Brady Vannoy, Esquire Dated (March 7, 2017))

No Bond Hearing Ever In Berkeley County
 In Violation of 6th Amendment To U.S. Constitution
 (... to be informed of nature and cause of accusation)

See: Letter From Mary P. Brown (Clerk) B.C. claiming SLED had jurisdiction over Defendants. (dated 7-6-16)

C


VANNOY MURPHY
ATTORNEYS AT LAW

R. Brady Vannoy, *Esquire*
Michael H. Murphy, III, *Esquire*
Grover C. Seaton, III, *Of Counsel*

105 Carolina Avenue
Moncks Corner, SC 29461

P: 843.761.0610
F: 843.761.4458
www.vannoymurphy.com

Email of sender: brady@vannoymurphy.com

March 7, 2017

Attorney Client Privilege
Hill Finklea Detention Center
Mr. Emory Roberts
300 California Ave,
Moncks Corner, SC 29461

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AUG 17 2017
SC Court of Appeals


RE: Your Letter

Dear Mr. Warren,

Thank you for writing me. I am enclosing a copy of what the jail says they are holding you on. However, I am likewise unable to find anything in the public index referencing your charge. If you have a family member that can reach out to me, please forward me contact information to them.

I remain

Very Respectfully,


R. Brady Vannoy, Esquire

Per the Deputy Solicitor, you are being held on Federal charges.

RBV / rbv
Enclosures: as stated
CC:

(Clearly Defendant WAS not a Federal Detainee, for Defendant WAS unlawfully imprisoned at Hill Finklea Detention Center, Defendant was never Arraigned in a Federal Court.)



(2:17-cv-00453-RMG-MGB)

Filed For Habeas Corpus in Charleston District Court

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY

after Petitions were ignored/thrown away in Berkeley County

GENERAL SESSIONS COURT
POST OFFICE BOX 219
MONCK'S CORNER, SOUTH CAROLINA 29461-0219
(843) 719-4400 (843) 567-3311 (843) 723-3800

RECEIVED

AUG 17 2017

SC Court of Appeals

TO: Emory Roberts

RE: Jurisdiction

The enclosed document is being returned for the following reason(s):

- This Order needs to be sent to Berkeley County General Sessions Administrative Judge for Signature.
- Requires original signature.
- This document is a copy. We must file original.
- We do not do criminal records check.
- This is not a Berkeley County Case.
- Please provide case number.
- Attached is the requested information.
- Contact Court Administration for transcript at the following address:
1220 Senate Street, Suite 200, Columbia, SC 29201-3739
- Information may be obtained from our web-site at www.berkeleycountysc.gov.

Other SLED has jurisdiction over you. We here @ the Clerk office have no info. You need to contact BCSO.

Please make the necessary corrections and return this document for filing.
Thank you for your assistance.

Staff Initials PL

Date 7-16-16

Defendants were brought to Hill Finkler Detention Center 6-9-16
Having never been served any warrants for any indicted offenses; General Sessions had no jurisdiction; never been to Bond Court in Berkeley County; never made aware of nature and course, just dropped off by SLED After 4 months in Alvin S. Glenn Detention (Columbia).

FILED
2016 JUL -6 AM 11:25
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

§§ 24:2. Request for records letter, 2 S.C. Litig. Forms & Analysis §§ 24:2 (2 of 2)

Name: Emory W. Roberts Jr.

Address: 300 California Ave. Moncks Corner, S.C. 29461

RECEIVED 8/16/17

Re: Form A (Rule 6), Form B (Rule 6), Form C (Rule 6)

AUG 17 2017

Case Number: 2016-GS-47-02

SC Court of Appeals

Dear Information Officer/SCDPS, Office of General Counsel

I am writing to request that you send me ... Form A (Rule 6) Affidavit of Chemist OR Chemical Analyst as qualified to perform testing and analysis for controlled substances or other substances regulated by Title 44, Chapter 53 of the code of Laws or Rule 6-4 of the Department of Health and Environment Control (DHEC) In Regards To Alleged control substances seized from Emory W. Roberts Jr. At 1147 College Park Rd. Summer Creek, Summerville S.C. Lot 116.

Requesting Also, Form B (Rule 6) Certificate of Proof of Chain of Physical Custody OR Control (Initial Custody), In Regards To Emory W. Roberts Jr.

Also requesting Form C (Rule 6) Certificate of Proof of Chain of Physical Custody or Control (Subsequent Change of Custody).

It is my understanding that this information is available to the public under the Freedom of Information Act (S.C. Code Ann. §§ 30-4-30 and -50).

If any public record contains material deemed to be exempt from inspection, we request that you separate the exempt from the non-exempt material and inform us of its availability for inspection and copying.

Please notify me as to when and where I may inspect and photocopy any pertinent materials you have, or please send me the information at the above address. I look forward to hearing from you within fifteen (15) working days.

RECEIVED

MAR 16 2017

Very truly yours,
Emory W. Roberts Jr.

SCDPS
Office of General Counsel

3/12/17

Name: Emory W. Roberts Jr.

Address: 300 California Ave, Moncks Corner, S.C. 29461 (Hill Finkler Detection) **RECEIVED**

Re: State Grand Jury of S. Carolina vs. Emory W. Roberts Jr.

AUG 17 2017

Case Number: 2016-GS-474-02

SC Court of Appeals

Dear Information Officer/SCDPS, Office of General Counsel

I am writing to request that you send me... Foreman's Name (Initials T.H.M.) that at a session of the State Grand Jury of South Carolina, that allegedly convened in Columbia, South Carolina, on April 12, 2016, Regarding State Grand Jury of South Carolina vs. Emory W. Roberts Jr..

Also, requesting the names of the State Grand Jurors that at a session of the State Grand Jury of S.C. that allegedly convened in Columbia, South Carolina, on April 11-13, 2016, Regarding State Grand Jury of South Carolina vs. Emory W. Roberts Jr.. It is my understanding that this information is available to the public under the Freedom of Information Act (S.C. Code Ann. §§ 30-4-30 and - 50).

If any public record contains material deemed to be exempt from inspection, we request that you separate the exempt from the non-exempt material and inform us of its availability for inspection and copying.

Please notify me as to when and where I may inspect and photocopy any pertinent materials you have, or please send me the information at the above address. I look forward to hearing from you within fifteen (15) working days. Thanking You So Much In Advance.

RECEIVED

Very truly yours,
Emory (.) Roberts Jr.

MAR 16 2017
SCDPS

§§ 24:2 Request for records letter 2 S.C. Litig. Forms & Analysis § 24:2

Name: Emory W. Roberts Jr.

Address: 300 California Ave. Moncks Corner, S.C. 29461 (Hill Finkler Detention)

Re: South Carolina vs. Emory W. Roberts Jr.

Case Number: 2016-GS-47-03

(Date: 3-16-17)

Dear Information Officers/SCDPS, Office of General Counsel

I am writing to request that you send me... 1.) Any Search Warrant For Residence (1147 College Park Rd. Summerville, S.C. SummerCreek Trailer Park, Lot 116). 2.) Any Arrest Warrant For Emory W. Roberts Jr. 3.) Rule 1. Sheriff To File AFFIDAVITS ON ARREST. It is my understanding that this information is available to the public under the Freedom of Information Act (S.C. Code Ann. §§ 30-4-30 and -50).

If any public record contains material deemed to be exempt from inspection, we request that you separate the exempt from the non-exempt material and inform us of its availability for inspection and copying.

Please notify me as to when and where I may inspect and photocopy any pertinent materials you have, or please send me the information at the above address. I look forward to hearing from you within fifteen (15) working days.

Thanking You So Very Much In Advance.

Very Truly Yours,
Emory W. Roberts Jr.

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AUG 17 2017

SC Court of Appeals

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MAR 20 2017

SCDPS
Office of General Counsel



**S. C. DEPARTMENT
OF PUBLIC SAFETY**

Communications Office

P.O. Box 1993 • Blythewood, S.C. 29016
Tel: (803) 896-7759

MR. EMORY ROBERTS 2016003071
HILL FINKLEA DETENTION CENTER
EMORY ROBERTS
300 CALIFORNIA AVE.
MONCK'S CORNER, SC 29461-

03/22/2017

Request Number : 1703229

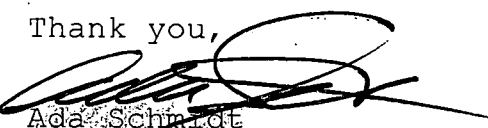
RE: INFORMATION REGARDING
CASE NUMBER 2016-GS-47-02
CASE NUMBER 2016-GS-47-03

DEAR MR. ROBERTS

The Department of Public Safety found no records pursuant to your request.

If you have any questions, please call me at (803) 896-7759.

Thank you,


Ada Schmidt
FOI Coordinator
South Carolina Department of Public Safety
Communications Office
foia@scdps.gov

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AUG 17 2017

SC Court of Appeals

Unsigned with return

Inmate ID: 2018003071

Case Status: NR

→ 12015A470001000017

Jeanette W. McBride
Clerk of Court

Virginia F. Belcher
Chief Deputy-Clerk of Court



Mailing Address
Post Office Box 2766
Columbia, S.C. 29202
Phone: (803) 576-1939
Fax: (803) 576-1925

RICHLAND COUNTY JUDICIAL CENTER

Clerk of Court
Criminal Records Division
1701 Main Street
Columbia, S.C. 29201

Name: Emory Warren Roberts Jr.

Date: 7/1/16

*How They Have No Record
But Addressed My Middle Name
In Its Entirety, when I only
Abbreviated IT In My Letter.*

RECEIVED

AUG 17 2017

SC Court of Appeals

We have received your inquiry and respond as follows:

Please find enclosed the following document(s):
 Disposition Sentence Warrant Indictment Motion
 Other: _____

A copy of your request has been forwarded for handling to:
 Solicitors Office Public Defender's Office

SCDC is responsible for clearing up detainers. Your charge(s) have been faxed to SCDC.

SCDC calculates credit for time served. Necessary records have been faxed to SCDC.

To obtain a transcript, please write to SC Court Administration at 1220 Senate Street, Suite 200, Columbia, SC 29201 and provide the case number, Judge's name, and date of trial.

We need more information to process your request:
 Case Number Charge SSN Court Location Date of Arrest

There is no record of said charge.

Please contact: State Grand Jury
PO Box 11508 Columbia, SC 29211

DISCLAIMER: The role of the Clerk of Court's office is to maintain court documents. The Clerk's office provides copies of case documents (with proper identifying information) upon request, but does not provide other information regarding a case. The Clerk's office is not permitted to give legal advice and/or determine length of sentence or other case specific questions.

Jeanette W. McBride
Clerk of Court

6-24-16

Hello Ms. McBride, I'm Writing You In
Regards The Status of My Release From Alvin S. Glenn
Detention Center, for I Was Released On 6-9-16 Without
Appearing In Court, So My Question In Short Is, Was the
charges dismissed for I Was Released A.T.W.?
Thanking You In Advance.

Sincerely Yours
Emory W. Roberts Jr.
CC Jenny Lopresti ESQ

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AUG 17 2017

SC Court of Appeals

JEANETTE W. McBRIDE
C. C. P. & S.

16 JUL -1 AM 10:35

BERKELEY COUNTY
FILED

How would they know
my middle name
Just write W.

Defendant was released A.T.W to SLED Agent
Justin Wingo on 6-9-16 along with Co-defendants Justin Hunter,
Lassan Johnson, Rosemary Quezada and taken to Hill Finkler Detention
Center in Berkeley County Without Warrants or Going To Bond Court.

Also For Appeal Purposes Or Vacate of Sentence

In The United States District Court For The District Of South Carolina (Charleston Division)

(2:17-cv-00453-RMG-MGB) 1 of 6 (6 Total)

Emory W. Roberts Jr.

(7-17-17)

Petitioner,

Petitioner's Motion For Summary Judgment

Vs.

Pursuant To 172 S.E. 2d 816, 817. See Fed. R. Civ.

Sheriff Dwayne Lewis

Proc. 56, In Opposition To Respondents Return

Respondent.

And Motion For Summary Judgment 4th And 5th

Code 1976 § 14-7-1750

(C.C. South Carolina Court of Appeals 8-5-17)

§ 14-7-1750. Indictment by state grand jury. For Appeal and/or vacate sentence.

(Article 15. State Grand Jury Act.)

"In order to return a "true bill" of indictment, twelve or more state grand jurors must find that (probable cause) exists 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."

RECEIVED

AUG 17 2017

(Point 1.)

SC Court of Appeals

Investigation by State Grand Jury, And a "True Bill" precedes the "arrest".

< There was no lawful authority to illegally raid my home, violate the Constitution Art. 1 § 11, and then try to cover it up by bootstrapping a State Grand Jury to my illegal arrest. >

Court of Appeals, State v. Evans 319 S.C. 320, Code 1976, § 14-7-1630 (A) (1)

(Point 2.)

(2 of 6)

State Grand Juries jurisdiction provides they can investigate state wide and cross county lines, if cause to indict is found, they ^{Judge} must return the indictment to that county for appropriate venue. Petitioner was never arraigned on any indictment in Berkeley County or anywhere in the 9th District (Misapplication of Statute), thereby, also violating my rights of the 6th Amendment... "to be informed of the nature and cause of the accusation."

(Violation of Due Process)

(Point 3.) (Lack of subject matter jurisdiction to adjudicate case)

Judge (Presiding Judge 5th District) had no authority to issue "search warrant", allegedly based on the Authority of State Grand Jury, because State Grand Jury had no authority until after the "presiding judge considers the indictment (April 13, 2016 see indictment") to be within the authority of the state grand jury and otherwise in accordance with the provisions of this article." (Article 15. State Grand Jury Act § 14-7-1750) Petitioner was "illegally seized" without "warrant" on Feb. 8, 2016 (Two months and (5) days before a State Grand Jury was even impaneled) Emphasis Added!

(5th District) Presiding Judge of a "State Grand Jury" cannot issue "search warrants" to be served in the jurisdiction over (9th District), especially before the judge even considers the indictment to be within the authority of the state grand jury and otherwise in accordance with the provisions of Article 15, thereby rendering the "alleged" "search warrant" invalid, therefore violating Petitioners rights to the 4th Amendment to the U.S. Constitution, see 338 U.S. 25. Illegal Search & Seizure

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... See 333 U.S. 10, 103 S. Ct. 2317. Emphasis Added!

An arrest warrant is constitutionally required to enter a person's home to effect an arrest. See 445 U.S. 573.

Code 1976 § 14-7-1640, (Article 15, State Grand Jury Act)

(3 of 6)

§ 14-7-1640. Indictment by state grand jury; powers and duties of 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 April 13, 2016) and transferred for prosecution to the county where the offense was committed in accordance with Section 14-7-1750. The powers and duties of and the law applicable to county grand juries apply to a state grand jury, except when these are inconsistent with the provisions of this article."

(Point 4.)

"Alleged" Indictment, Dated: April 13, 2016 is "merely" signed by "whomever," having no certification, in violation of § 14-7-1640 - Emphasis Added!

(Point 5.)

"IF an indictment is returned, it must be certified and transferred for prosecution to the county where the offense was committed in accordance with Section 14-7-1750.

Emphasis Added: Indictment must be certified and transferred (Not Defendant)

In violation of Article I, Section 11 of South Carolina § 11. Presentment or indictment, Petitioner was illegally seized in Berkeley County and taken directly to Richland County, Columbia to answer for a crime "allegedly" occurring in Berkeley County. (State Charges)

S. C. CONST Art. I, § 11

§ 11. Presentment or indictment: No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed. ... James v. Kentucky, 466 US 341, 80 L. Ed. 2d 346, 104 S. Ct. 1830 (1994) The Supreme Court held that statutes did not take precedent over Constitutional Law. Emphasis Added!

Article 15. State Grand Jury Act. Code 1976 § 14-7-1730

(4 of 6)

§ 14-7-1730. Jurisdiction of presiding judge.

(B) A person indicted by a state grand jury for a bailable offense must have a bond hearing before the end of the second business day following the day he was arrested.

There was no direct indictment, defendant arrested Feb. 8, 2016, "Indicted" 4-13-16
Bond Hearing 5-4-16 (Point 6.) Not in accordance with provisions of Article 15. (Due Process) Violated

Petitioner was "arrested/illegally seized for "alleged" indicted offenses by a state grand jury Feb. 8, 2016, Two months and (5) days before a State Grand Jury was "allegedly impaneled" (See: Impaneled And indictment, Dated: April 13, 2016), unless respondent is doing "these things" in reverse" and working backwards, this makes no sense at all. See: Ultra Vires: See 79 S.W. 2d 1012, 1016.

beyond, outside of, in excess of powers; that which is beyond the power authorized by law for an entity. In violation of § 14-7-1730 (B) (See: Above)

Denied Preliminary * Due Process of Law 14th Amend. Violations

How can Petitioner be directly indicted; a "search warrant" issued Feb. 8/Feb. 5 by presiding judge who is not neutral or impartial or even located in the 9th District; and be denied a preliminary hearing as a result of allegedly being directly indicted and a State Grand Jury was not impaneled "allegedly" until April 13, 2016, and presiding judge could not at least until that date or after consider or make a decision on whether the "indictment" to be within the authority of the state grand jury and otherwise in accordance with the provisions of Article 15, and Petitioner was arrested and denied a preliminary hearing and his home illegally searched on Feb. 8th, 2016 (Two Months And (5) Days Before A State Grand Jury Is Impaneled)

How would Petitioner be under authority before it occurs???

Hence: No Warrant; and Freedom Of Information Act Found No Records, and so-called "Indictment" "Manufactured Papers" not Certified according to, in violation of (§ 14-7-1640. Indictment by state grand jury.)

S.C. CONST Art. 1, § 11 § 11. Presentment or indictment. (5 of 6)

→ (State v. Wiggins (S.C. 1971) 257 S.C. 167, 184 S.C. 2d 697.)

No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. (This is the only exception) The General Assembly may provide for the waiver of an indictment by the accused. Nothing contained in this Constitution is deemed to limit or prohibit the establishment by the General Assembly of a state grand jury with the authority to return indictments (Not Defendants) irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide. (Unlawfully imprisoned at Alvin S. Glean 2-8-16 to 6-9-16)

Because Petitioner's rights to the Constitution were violated, Petitioner was prejudiced by the denial of a preliminary hearing; Petitioner's right to a speedy-trial that he asserted to then Attorney Jeremy MacNeally in Mar. 2016 (see: Assertion of right to speedy-trial and letter/Demand provided to the Federal Court as well as response letter from Jeremy MacNeally's Paralegal/Sister Koaya Ruleledge), and because of the violation of Art. 1, Section 11 of S.C. Constitution I am unlawfully imprisoned at Hill Finken Detention Center in violation of my 6th Amendment to the Constitution.

... "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. 1830 (1984)

The Supreme Court held that statutes did not take precedent over Constitutional Law.

There's Been A Total Violation To My Sixth Amendment To The U.S. Constitution!

Code 1976 § 14-7-1750 § 14-7-1750. Indictment by state grand jury. (6 of 6)

① In order to return a "true bill" of indictment, twelve or more state grand jurors must find that probable cause exists for the indictment and vote in favor of it.

(And this of course must precede the arrest!)

② Upon indictment by a state grand jury, the indictment must be returned to the presiding judge. (Never did my indictment occur, hence: Letter from Berkeley County Court Clerk (Claiming No Jurisdiction over Petitioner, Also provided to the Federal Court, Letter Filed, 7-6-16)

③ 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 Article 15, 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.

(This could not occur until on or after 4-13-16, I was illegally arrested on 2-8-16.)

④ The presiding judge may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial. (Again, indictment ^{to} precede arrest)

⑤ There upon, 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.

Note: So we don't misapply the Statute and violate Constitutions, speedy-trial, and due process, Petitioner broke it down into steps, also so we don't confuse when and where after indictment is returned to the county where venue is appropriate (Step 3) to issue and execute the warrants (Step 5), and since this is the last step we also know that the indictment precedes the issuance of a warrant or an "arrest".

→ (Issue's Applicable To/For Argument For Appeal Purpose's) ←

Petitioner request and prays for Summary Judgment in Petitioner's Favor pursuant to 172 S.E. 2d 816, 817. See Fed. R. Civ. Proc. 56.

RECEIVED

AUG 17 2017

SC Court of Appeals

Honorable Mary Gordon Baker,

Exhibit 1 / Filed Apr. 11, 2016

Exhibit 1 / Filed Mar. 14, 2016

This is the same exact Warrant,
Cant Have Possibly Filed It Twice,
There Tying To Cover Up Raiding
My Home And Arresting Me Without
An Arrest Warrant / Search Warrant
(Corruption)

Exhibit 2 / One Stamped

Exhibit 2 / Other Not

This is a copy of the same exact warrant,
both should of had a stamp from Clerk
of Court, they back-dated / stamped it,
this stamp wasnt there initially.
Corruption

Exhibit 2 / Attachment Affidavit For Arrest Filed Apr. 11, 2016 (28 grams)

Exhibit 2 / Actual Warrant Filed Mar. 14, 2016

There Are Suppose To Be The Same Affidavit For Warrant, why
Filed Almost A Month Apart? (Corruption)

Question: Where's Inventory List / Sheet?

Question: Where's Search Warrant?

(Point 1.)

Rule 1. The Sheriff and/or law enforcement officer shall file with the appropriate magistrate the affidavit and/or proof of service on which the arrest is made within five days after the arrest.

(Point 2.)

Arrest With Warrant.

↙ The warrant may be issued only by a magistrate or other authorized neutral party. South Carolina law provides that warrants may be issued by any magistrate, municipal judicial officer, or judge of a court of record. "Some states extend the authority to issue warrants to other authorized persons such as clerks of court." (However, I can find nowhere where South Carolina authorizes persons such as clerks of court, along with the proof (Exhibit 1, 2, and 3) that so-called warrants have been back-dated/stamped serves to be an invalid warrant and/or stemming from corruption.

(Point 3.)

Searches And Search Warrants.

The very language of the Fourth Amendment guarantees the security of one's person and of one's house, papers and effects from unreasonable search and seizure and enforces this guarantee with the warrant clause.

"no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

No Yellow Copy - carry

Why Filer on Diff. Bin

FILED

APR 11 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

ARREST WARRANT

STATE OF SOUTH CAROLINA)
County of Dorchester)

AFFIDAVIT

STATE OF SOUTH CAROLINA
County of Dorchester
2015A4700100017

Personally appeared before me the affiant Special Agent Justin Wingo who being duly sworn deposes and says that defendant Emory W. Roberts, Jr. (a.k.a. "Q") did within this County and State on September 23, 2015 violate the criminal laws of the State of South Carolina (or ordinance) of the County of Dorchester in the following particulars: **DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams SC Code of Laws 44-53-370 (e)(3)(a)(1)**

THE STATE
Against
Emory W. Roberts, Jr. (a.k.a. "Q")
(Defendant)

I, further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Address: 1009 Margaret Drive
Ladson SC

On September 23, 2015 the defendant possessed and distributed a quantity of heroin, that was more than 4 grams but less than 14 grams to an informant working at the direction of the SC Law Enforcement Division (SLED) and the Dorchester County Sheriff's Office. This offense occurred at 1009 Margaret Drive in Ladson, South Carolina (Dorchester County). This controlled drug transaction was conducted under the surveillance of law enforcement officers who are prepared to testify to the same.

Phone: _____

SSN: _____

Sex: M Race: BLK Height: 5-10 Weight: _____

DL State: NY DL# R150701815100280379000

DOB: [REDACTED] Agency ORI#: SCLED0001

Prosecuting Agency: SLED

Prosecuting Officer: S/A Justin Wingo

Offense: Trafficking in Heroin 4grams or more but less than 14grams.

Offense Code: 44-53-370 (e)(3)(a)(1)

Code/Ordinance Section: 2361

Sworn to and subscribed before me on)

[Signature]
Signature of Affiant S/A Justin Wingo - SLED
Affiant's Address P.O. Box 21398
Columbia SC 29221
Affiant's Telephone 803-737-9000

January 20, 2016)

[Signature] (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA)
County of Dorchester) **ARREST WARRANT**

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MINICIPALITY OR ANY CONSTABLE OF THIS COUNTY: It appearing from the above affidavit that there are reasonable grounds to believe that on September 23, 2015 defendant Emory W. Roberts, Jr. did violate the criminal laws of the State of South Carolina (or ordinance of the County of Dorchester) as set forth below:

DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams
Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

[Signature]
Signature of Issuing Judge

Judge Code: _____ Judge's address: 1701 Main Street, Columbia, SC 29210, TEL: (803)576-1746

This warrant is **CERTIFIED FOR SERVICE** in the County of _____

The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Emory W. Roberts, Jr. on 2/8/16

[Signature]

RECEIVED

AUG 17 2017

SC Court of Appeals

Not Returned in Ten Days of Issuance

Numbers Don't Match

SGJ 2015-253
00865

Assigned Warrant #

ARREST WARRANT

STATE OF SOUTH CAROLINA

County of Dorchester

2015A4700100017

THE STATE

Against

Emory W. Roberts, Jr. (a.k.a. "Q")
(Defendant)

Address: [REDACTED]
Ladson SC

Phone: _____

SSN: _____

Sex: M Race: BLK Height: 5-10 Weight: _____

DL State: NY DL# [REDACTED]

DOB: [REDACTED] Agency ORI#: SCLED0001

Prosecuting Agency: SLED

Prosecuting Officer: S/A Justin Wingo

Offense: Trafficking In Heroin 4grams or more but less than 14grams.

Offense Code: 44-53-370 (e)(3)(a)(1)

Code/Ordinance Section: 2361

This warrant is **CERTIFIED FOR SERVICE** in the County of _____

The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Emory W. Roberts, Jr. on 2/8/16

[Signature]

STATE OF SOUTH CAROLINA)
County of Dorchester)

AFFIDAVIT

Personally appeared before me the affiant Special Agent Justin Wingo who being duly sworn deposes and says that defendant Emory W. Roberts, Jr. (a.k.a. "Q") did within this County and State on September 23, 2015 violate the criminal laws of the State of South Carolina (or ordinance) of the County of Dorchester in the following particulars: **DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams SC Code of Laws 44-53-370 (e)(3)(a)(1)**

I, further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On September 23, 2015 the defendant possessed and distributed a quantity of heroin, that was more than 4 grams but less than 14 grams to an informant working at the direction of the SC Law Enforcement Division (SLED) and the Dorchester County Sheriff's Office. This offense occurred at 2009 Margaret Drive in Ladson, South Carolina (Dorchester County). This controlled drug transaction was conducted under the surveillance of law enforcement officers who are prepared to testify to the same.

AUG 17 2017

SC Court of Appeals

Sworn to and subscribed before me on)

January 20, 2016)

[Signature] (L.S.))

Signature of Judge

Signature of Affiant S/A Justin Wingo—SLED

Affiant's Address P.O. Box 21398

Columbia SC 29221

Affiant's Telephone 803-737-9000

STATE OF SOUTH CAROLINA)

County of Dorchester)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MINICIPALITY OR ANY CONSTABLE OF THIS COUNTY: It appearing from the above affidavit that there are reasonable grounds to believe that on September 23, 2015 defendant Emory W. Roberts, Jr. did violate the criminal laws of the State of South Carolina (or ordinance) of the County of Dorchester) as set forth below:

DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams
Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge _____

Judge Code: _____ Judge's address: 1701 Main Street, Columbia, SC 29210, TEL: (803) 576-1746

A TRUE COPY
Attest: James R. Parks, Clerk
By: [Signature]
Deputy Clerk

FILED
MAR 14 2016
JAMES R. PARKS
CLERK, STATE GRAND JURY

Time Line : Violation of 4th Amend. Due process violations. Unlawful imprisonment

Feb. 8, 2016 Trailer Raided Without Arrest Warrant Or Search Warrant At 1147 College Park Rd. Lot 116 Summerville, Berkeley County.

Feb. 8, 2016 Taken Directly To Alvin S. Glenn Detention Center, booked, processed, fingerprinted.

Feb. 9, 2016 Arraigned At Richland County Court House on state charges arising out of Berkeley County. (Denied Bond)

Feb. 11, 2016 Request For Preliminary Hearing (Denied) Continuously... Defendant Denied because of allegedly being directly indicted

April 13, 2016 "Allegedly" indicted by state Grand Jury

May 4th, 2016 Arraigned in Richland County Bond Court (\$250,000 Bond) (Arraigned on alleged indictment)

June 2nd, 2016 Released A.T.W. To SLED Officers who raided home,

RECEIVED Taken directly to Hill Finkler Detention Center without ever being served a warrant, and never taken to Bond Court in Berkeley County.
AUG 17 2017
SC Court of Appeals

End of June - I write clerk of court for Berkeley County demanding... concerning my unlawful imprisonment and jurisdiction, the clerk of court, Gary R. Brown writes me back saying "SLED" has jurisdiction over me, and that the clerk's office had no info (Letter enclosed)

November/December - Petition for writ of Habeas Corpus in Berkeley County General Sessions, no response.

February, 2017 - Petition for writ of Habeas Corpus in Federal Court (C/A No. 2:17-453-RMG-MGB)

July 24, 2017 - Taken To TRIAL in Berkeley County with ineffective counsel and numerous procedural violations

July 28, 2017 - Convicted At TRIAL in Berkeley County Having no jurisdiction warrants, or subject matter jurisdiction.

Please See Reverse Side for Time Line of Events

FILED

MAR 14 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

ARREST WARRANT

STATE OF SOUTH CAROLINA)
County of Dorchester)

AFFIDAVIT

STATE OF SOUTH CAROLINA
County of Dorchester
2016A4700100018

Personally appeared before me the affiant S/A Justin Wingo who
being duly sworn deposes and says that defendant Emory Warren Roberts
did within this County and State on Jan. 1, 2015 to Feb 8, 2016 violate the criminal laws of the State of South
Carolina (or ordinance) of the County of Dorchester and Berkeley
in the following particulars: **DESCRIPTION OF OFFENSE: Trafficking Heroin greater than 28 grams**
SC Code 44-53-370 e 3 c

THE STATE

Against

EMORY WARREN ROBERTS
(Defendant)

I, further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable
cause is based on the following facts:

Address: [REDACTED]
Phone: [REDACTED]
SSN: [REDACTED]
Sex: M Race: B Height: Weight:
DL State: DL#
DOB: Agency ORI#: SCLED0000
Prosecuting Agency: SLED/SC AG's Office
Prosecuting Officer: S/A J. Wingo
Offense: Traff. Heroin >28 grams
Offense Code: 149
Code/Ordinance Section: 44-53-370 e 3 c

See attached Affidavit.

A Day after I'm already in custody
"Manufactured
Warrants"

Sworn to and subscribed before me on)
Feb 9, 2016)
[Signature] (L.S.))
Signature of Judge

[Signature]
Signature of Affiant SLED
Affiant's Address P.O. Box 21398
Columbia SC 29221
Affiant's Telephone 803-737-9000

This warrant is CERTIFIED FOR SERVICE in the County
of

STATE OF SOUTH CAROLINA)
County of Dorchester) **ARREST WARRANT**

The accused is to be arrested and brought before me to
be dealt with according to law.

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on 1/1/2015 to
2/8/2016 defendant Emory Warren Roberts did violate the criminal laws of the State of South Carolina (or ordi-
nance of the County of Dorchester and Berkeley) as set forth below:

 (L.S.)
Signature of Judge
Date: Feb 9 2016

DESCRIPTION OF OFFENSE: Trafficking Heroin greater than 28 grams
Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me
forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at
the time of its execution, or as soon thereafter, as is practicable.

RETURN
A copy of this arrest warrant was delivered to
defendant Emory Warren Roberts
on Feb 9 2016
[Signature]
Signature of Constable/Law Enforcement Officer

Signature of Issuing Judge
Judge Code: Judge's address: 1701 Main Street, Columbia, SC 29210 TEL: (803) 737-1746
Attest: James R. Parks, Clerk

A TRUE COPY
By: Margaret J. Sey
Deputy Clerk

Turn
over

LEEDS AVENUE LAW, LLC

Denied Petition of Habeas Corpus by
Berkeley County Court Clerk...

3rd Attempt - Defendant Filed Twice
Attorney: Once

February 3, 2017

3740 LEEDS AVE.
N. CHARLESTON, SC 29405
P: (843) 478-4843
F: (843) 277-9042

VIA U.S. MAIL

Emory Roberts
c/o Hill Finklea Detention Center
300 California Avenue
Moncks Corner, SC 29461

RECEIVED

AUG 17 2017

SC Court of Appeals

Dear Emory:

I hope you are well. After I last saw you on Wednesday, I returned to the Clerk's office to try to straighten things out and get your petition filed. I could not do it then, and have been researching it since. I have decided that it is better to take a few days and do a comprehensive and good job than to just slap something together and send it in. I want this to work the first time, not have to return again and again.

I will try to make it back up there this week, but I am busy and am not sure when that will happen. To speed things along, you can help me out. Please put together a timeline for me from when you were first detained until today. Please include whatever dates or months you can remember, where you were, any documents or papers you were given, etc. Include whatever you can remember.

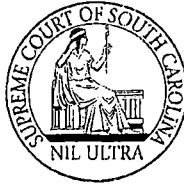
I am going to talk with a few old lawyers and see if I can get any more ideas. I want to make your complaint as complete as possible so that we can get in front of a judge as soon as possible, and so that we don't waste time when we do. Please complete that and send to the address above or to the Fishburne address.

I will try to come see you soon, but please start on this as soon as you can.

Best regards,



Ian Watterson



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

November 16, 2016

RECEIVED
AUG 17 2017
SC Court of Appeals

Emory W. Roberts, Jr. #2016003071
Hill Finklea Detention Center
300 California Avenue
Moncks Corner, SC 29461

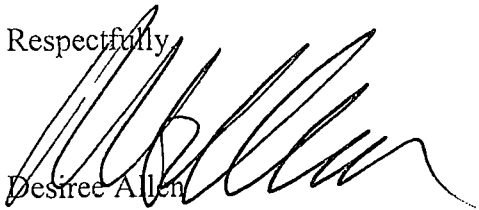
Dear Mr. Roberts:

This is in response to your letter dated November 3, 2016. You are requesting a transcript from County Grand Jury proceedings. This is to advise that there is no court reporter assigned to record Grand Jury proceedings, and therefore, there is no transcript available.

You also have requested information pertaining to your preliminary hearing. We do not have the information you are seeking.

Therefore, we are unable to assist you further in this matter.

Respectfully,



Desiree Allen
Court Reporter Manager

Honorable **RECEIVED**

AUG 17 2017

(8-5-17)

Appellant Challenges Jurisdiction of
A State Grand Jury And whether A
state Grand Jury Occurred

Indictment / **SC Court of Appeals**

In violation of Article I, Section 11

Convicted 7-28-17 of: Possession of a Firearm during Commission
of or Attempt to commit a violent crime... Appeal on the grounds
of Supreme Courts nexus or decisions concerning possession of a
commission of a violent crime, = did not possess a weapon in
A firearm, nor was I charged with constructive possession
And what crime did defendant attempt "of a violent nature?"
Defendant was charged with Trafficking / Distribution
Attempts?

Further, the Bond that was set in Richland County (Columbia)
on May 4th 2016 disappeared once defendant was "dropped"
at Hill Finkler Detention Center, thereby denying defendant
right to his Eighth Amendment to the U.S. Constitution
(See Enclosed: Public Index)

Also, Article 15. State Grand Jury Feb 14-17-30 Jurisdiction of
presiding Judge.

(B) A person indicted by a state grand jury for a bailable offense
must have a bond hearing before the end of the second business day
following the day he was arrested...

Defendant was arrested on Feb 8, 2016 and taken to Columbia to be
arraigned on Feb. 9, 2016 and had not been so-called arraigned on
indictment until May 4, 2016 in Richland County, violates due process
of law and is not within the provisions of Article 15. so-called indicted
Allegedly occurred on April 13, 2016, so Defendant should have been

Arraigned on April 14, 2016 if this was to be in accordance with the provisions of Article 15, State Grand Jury Act, however Defendant did not get a Bond until May 4th, 2016, then on 6-9-16 Defendant was taken from Columbia and then housed in Berkeley County where the Bond disappeared for some reason, (Because Defendants were held the jurisdiction over in violation of Art. 1 § 11) they by prejudice Defendant from being able to have a Bond in violation of his 8th Amendment. Defendant was arrested on Feb 8, 2016 in Berkeley County and taken directly to Columbia in violation of S.C. CONST. Art. 1 § 11 After Defendants Home was illegally raided and Defendant seized without an arrest warrant or search warrant, defendant was arraigned, booked, and housed in Columbia for 4 months, and when brought to Berkeley County was never brought before a Bond court but held for 14 months in violation of defendant's 6th Amend. to a speedy trial which defendant asserted his rights too in March 2016 while in Columbia to then Attorney Jeremy MacNally, through this time Defendant had petitioned now The Federal District Court (Charleston) in Feb. 2015 for a writ of Habeas Corpus because defendant had no due process at all, no Bond, and had never been made aware of any charge in Berkeley County in violation of 6th Amend (nature & cause of accusation) sentence papers says "Direct indictment" with no indictment charges where it should have never been indicted or case presented in Berkeley County at all more subject matter jurisdiction once taken to Columbia in violation of Art. 1 § 11 (see letter from Clerk Mary F. Brown) As well as manufactured warrants filed by State Grand Jury without Judge signature before a State Grand Jury was even impaneled, Due process of law was consistently violated and as well as S.C. Constitution and so-called process was not in accordance with the provisions of Article 15, State Grand Jury Act. My Due process was violated and a State Grand Jury boot strapped to avert to justify violations.

Emory W. Roberts F-3 -263

Mailroom
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

LEGAL
MAIL
ONLY

RECEIVED

AUG 15 2017

KIRKLAND R&E CENTER
MAILROOM

South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

