

(Case # 2016-GS-47-02) RECEIVED  
AUG 28 2017

SC Court of Appeals

Please find enclosed a letter provided to myself by co-defendant Justin Hunter from the Attorney of Justin Hunter (Theresa N. Johns, P. A. Attorney At Law) (Copy 1).

In this letter you will find evidence/admission to ~~Due process violations~~ of S.C. CONST. Art. 1, Section 11 as well as the denial of a preliminary hearing. Defendant(s) were arrested on Feb. 8, 2016 2 Months 5 days before an "Alleged" State Grand Jury was impaneled, therefore entitled to a preliminary. Defendant(s) were arrested without valid warrant (Emory W. Roberts Jr.) and in violation to S.C. Constitution, taken directly to Richland County, Columbia, and held to answer for "alleged" crimes occurring in Berkeley County. Defendant Emory W. Roberts home was raided without a valid Search Warrant <sup>being</sup> issued by a neutral and detached Judge or Magistrate in the 9th District in violation of the 4th Amendment to the U.S. Constitution, Right To Privacy. Defendant contends that a 5th District Circuit Court Judge could not issue "Warrants" in the 9th District, and "Judge in the 5th District" could not have "statewide jurisdiction" before a state Grand Jury convened; was not a neutral and impartial party; and could not hold Defendants to answer for any crime the jurisdiction over. ↴  
Please See: (Emory W. Roberts Jr. v. Sheriff Dwayne Lewis, Return And Memorandum of Law In Support Of Motion For Summary Judgment, Page 2, dated March 17, 2017. (C/A No. 2:17-453-RMG-MGB) Also Page 3 Attachments, Respondent had not listed a "Search Warrant" or any inventory sheet. Please take notice of all Constitutional violations and manufactured papers by prosecution. Also, Defendants right to testify at "Alleged" State Grand Jury were denied violating Defendants due process. Also enclosed, see "Copy" of "Alleged" indictment without certification or stamp. Defendant contends from all proofs that he is being Unlawfully imprisoned and had never been properly indicted or in any jurisdiction of a State Grand Jury.

Please See: Part VI. Discovery/Indictment <sup>(LATER)</sup> → 01/25/2017

Request Number: 1701218

Ada Schmidt

FOI Coordinator

Communications Office

foia@scdps.gov

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AUG 28 2017

P.O. Box 1993 • Blythewood, S.C. 29016

SC Court of Appeals

Tel: (803) 896-7759

Also See: Request Numbers (1703229)(1705212)(1702226) ← F.O.I

Request Number: 1701218 F.O.I.

(Found No Records Pursuant to my request)

Also, on Defendants sentencing papers, it says "Direct Presentment", even though there had already been an "alleged" indictment returned by a state Grand Jury in Richland County, Columbia, ... Defendant contends that Berkeley County had no jurisdiction once S.C. Const. Art. 1 § 11 was violated, along with Berkeley County Court Clerk's letter dated July 6, 2016 confirming they had no jurisdiction, nor had defendant ever been to Bond court on these charges in Berkeley County, or made aware of the nature and cause of any such accusation (6th Amend.).

Defendant was never served with any warrants for "alleged" "indicted" offenses in Berkeley County whatsoever.

On Appeal, Defendant challenges jurisdiction of a state Grand Jury, and whether a state grand jury occurred that had not been in accordance with Article 15. And in violation of Art. 1 § 11.

↓ other side ↓  
please ↓

According to (Theresa N. Johns, P.M. Attorney At Law) Our case was already indicted" therefore we were not entitled to a preliminary hearing which is incorrect, defendants were arrested on Feb. 8, 2016 and "alleged indictments did not occur until April 13, 2016, therefore probable cause for arrest could not have been determined by a State Grand Jury, thereby violating defendants due process of law. Defendant "Emory Roberts" has provided to the appellate court "unsigned warrants" for the County of Dorchester and defendant was arrested in Berkeley County and held in Hill Finkler after (4) Months of being held in Richland County, Columbia without any warrants of arrest. (Theresa N. Johns) contends that defendants arrest were based on indictments rather than warrants to effect probable cause, this is not true, defendants were not "directly indicted", therefore denying defendants a preliminary and due process of law. Also defendants were taken to Berkeley County and held at Hill Finkler for (15) Months having never been served "any warrants" or being brought to Bond Court after being taken "without warrant" from Alvin S. Glenn Detention Center by SLED officer's on 6-9-16.

Theresa N. Johns (Attorney) also states that "the reason why we were brought to Richland County was because that is where the State Grand Jury convened", Again Defendants were arrested on Feb. 8, 2016 before an alleged State Grand Jury convened, in fact 2 Months 5 Days before alleged State Grand Jury convened and there were no warrants authorizing our arrest on the charges allegedly indicted (How?)

Please See: (C/A No. 2:17-453-RMG-MGB)

Emory W. Roberts Jr. v. Sheriff Dwayne Lewis, "Return And Memorandum of Law In Support of Motion For Summary Judgment Page 2, dated March 17, 2017, Also Page 3 (Attachments)

Thank You

Sincerely,  
Emory W. Roberts Jr.

373393

(2016-GS-47-02)

case #



COUNT SIXTEEN  
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE  
S.C. Code Ann. § 44-53-375(B)

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

No Certification!  
No stamp!

witnesses whose names shall appear on the bill of indictment ?

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

A True Bill

[Signature]  
FOREMAN

[Signature]  
ALAN WILSON (jru)  
ATTORNEY GENERAL

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CASE #  
2016-GS-47-02

THE LAW OFFICE OF

THERESA N. JOHNS, P.A.

ATTORNEY AT LAW  
WWW.TJOHNSLAW.COM  
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1720 Main Street, Suite 202 ◆ Columbia, South Carolina ◆ 29201  
803-799-0885 Office ◆ 803-799-5888 Fax ◆ 803-318-4007 Cell

November 16, 2016

Mr. Justin Hunter  
Hill-Finklea Detention Center  
300 California Avenue  
Monks Corner, SC 29461

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SC Court of Appeals

RE: Letter Dated November 10, 2016

Dear Mr. Hunter: Co-Defendant

I have received your letter referenced above. Please allow me to inform you that your frustrations are noted and warranted. The Statewide Grand Jury System is complicated and confusing. As such, I am enclosing Article 15 from the South Carolina Code of Laws. I have highlighted pertinent portions they may explain the exclusive role of the State Grand Jury investigations, jurisdiction and applicability.

The State Grand Jury convened and after receiving information about a multi-county distribution scheme, indicted you and your co-defendants. Since the State Grand Jury convened in Columbia, the chief administrative judge was the Honorable Clifton Newman designated as the presiding judge for the State Grand Jury...not the presiding judge of your case. Your bond was set pursuant to the statute. Since your case was already indicted, you are not entitled to a preliminary hearing. A preliminary hearing is a probable cause hearing heard after one has been arrested on a warrant rather than an indictment. Since the probable cause for your arrest had already been determined by the State Grand Jury, you were directly indicted, alleviating any right to a preliminary hearing. You should have been advised of this much earlier on.

(How so, we were arrested 2-8-16 - state Grand Jury "Allegedly" Convened 4-13-16)  
The jurisdiction is "state wide" meaning that you are accused of committing crimes in more than one county. Since it is state wide, any county may be assigned to hear your case. The venue assigned for you case is in Berkeley/Dorchester because the investigation was primarily focused on your acts in your residence. The reason why you were brought to Richland County was because that is where the State Grand Jury convened. Once you are indicted, a bench warrant was issued by Judge Newman authorizing your arrest on the charges indicted. The order SLED refers to is an order transporting you to Columbia so Judge Newman could set bond.

already Indicted Here  
Needing No Warrant

Violation of Art 1, Section 11

once I'm indicted over here, how warrant ???

And where's this Alleged Warrant?

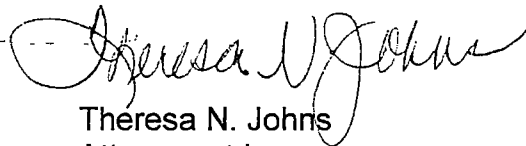
Judge Newman has assigned the Honorable Deadra Jefferson, a resident judge in Berkeley County. I have prepared several orders along with a discovery motion. The Clerk of Court for the Statewide Grand Jury is fully aware of the pending orders and motions. As I stated previously, these cases are complex and complicated by nature. The prosecution is not giving me the "run around." It takes a lot of time to get three original signatures on one document.

~~I believe I addressed your concerns. Understandably, you find yourself~~  
comparing your bond amount with those who are detained. I cannot explain to you why your bond is so high compare to others accused of violent crimes. May I suggest you compare your bond with the bond of the co-defendants. Should there be disparity between yours and the bonds of the co-defendants, then you are justified in feeling the unfairness.

It is my hope that you get a better understanding of the Statewide Grand Jury system. Please continue to communicate your issues with me through any means and I will continue to help you understand your case.

With kind regards, I am

Sincerely,

  
Theresa N. Johns  
Attorney at Law

Enclosure

TNJ/amh

Honorable Clerk Of Court,  
Jenny Abbott Kitchings

8-22-17

Hello, how are you? I'm writing to you to ASK if you can  
Acknowledge receipt of my right and request to Appeal the Courts  
judgment within the ten (10) days allowed dated August 6-7, 2017.  
Thanking you in advance, please enjoy your day.

Judge's Name: Deadra Jefferson

Case Number: 2016-GS-47-02

Date of Trial: July 24, 2017 - July 28, 2017 (Sentenced)

Place of Trial: Berkeley County Court Of General Sessions

Sincerely,  
Emory W. Roberts Jr.

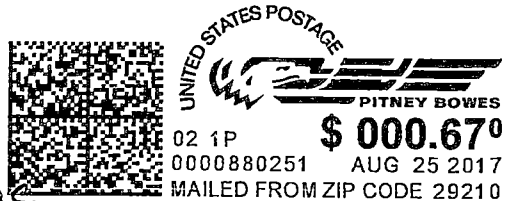
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SC Court of Appeals

Emory W. Roberts Jr. 373393  
F-3 263

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



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

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AUG 25 2017

LEGAL  
MAIL  
ONLY

KIRKLAND R&E CENTER  
MAILROOM

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Handwritten mark or signature.