

State of South Carolina
In the Court of Appeals
[In the Supreme Court]

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SEP 20 2017

Appeal from Richland County S.C. SUPREME COURT
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

CASE No. 2012-CP-40-7245
Appellate Case No. 2017-001808

State of South Carolina
Respondent

v

Donald W. Gay

Appellate

"Argument"

This matter comes before the Court on Appeal of the Conviction. The Legislation of South Carolina appoints all Constables, Magistrates, Judge of Court of record to hear and establish grounds for the warrant which will be with probable cause for a warrant. If a man is not a constable in the provided by law, he or she is acting without warrant of law, ... without virtue of being appointed by Legislation
(State v. Clark 28 S.E. 906 (1898))

Richland County Grand Jury lacked Jurisdiction to hand down indictment for Murder cause court of General Sessions was not in Sessions

(Statue 14-5-180 copy follows next page)

Ministerial Recorder of Columbia is not a Judicial Officer of the State, in the sense of Legislation and Constitution. A warrant issued upon statement of facts not sworn to is unconstitutional.

All proceedings before a Magistrate in Criminal Cases shall be commenced on information under oath, plainly and substantially setting forth the offense charge.

A Magistrate then endorse the warrant for arrest.

(Statue 17-13-140, 22-5-160)

Review of sentence was imposed for an offense which defendant was not charge for in which no sentencing guideline has been issued by the sentencing commission pursuant to 28 U.S.C. 994(A)(1) and is greater than the sentence specified, if any, under Rule 11(E)(1)(B) or (E)(1)(C) of Federal Rules of Criminal Procedure.

Statue 14-5-180

Second Monday in JANUARY for two weeks; Second Monday in April for two weeks; Third Monday in June for two weeks; On the Tuesday following the first Monday in September for three weeks; Second Monday in December for two weeks.

This is the schedule for General Sessions in Richland County

"Look at the following from the Public
Defendants Office: Search Warrants- S96-02,
S96-03, S96-04, S96-05, S96-06, Arrest
Warrant No E-757058-95-129346 All of which
was signed by Ministerial Recorder where
as no probable cause for the warrants.

The Magistrate must endorse the
warrants in this case for General Sessions
to have Jurisdiction on this case.

"Vacate Sentence"

September 18, 2012

Pro-Se Donald W. Jay 244300
Broad River Inst.
MLT 1113
4460 Broad River Rd.
Columbia, S.C.
29210

State of South Carolina
In the Court of Appeals
[In the Supreme Court]

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S.C. SUPREME COURT

CASE No 2012-CP-40-4295
Appellate Case No 2017-001808

State of South Carolina
Respondent

v
Donald W. Gay

Appellant

Certificate of Service

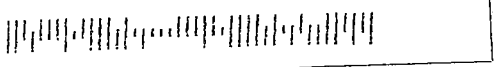
The undersigned hereby certifies that the letter been served upon Jessica E. Kinard by mailing one(1) copy in an envelope properly addressed with postage prepaid this 18th day of September 2017, to the below address

Jessica E. Kinard
P.O. Box 11549
Columbia, South Carolina
29211

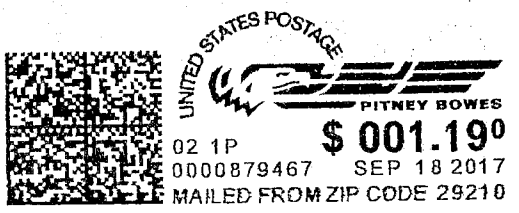
cc: Daniel E. Shearouse
Clerk of Court

Pro Se Donald W. Gay

4300



Carolina
29210



Sir Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, South Carolina
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