

TO: Daniel E Shearhouse  
P.O. Box 11330  
Columbia SC 29211

**RECEIVED**

SEP 21 2017

RE: ARMY BROOK VS. STATE OF SOUTH CAROLINA  
Case 2015-001610

**S.C. SUPREME COURT**

Dear Mr. Shearhouse,

Enclosed is a copy of Petitioner motion in affidavit  
to relieve counsel and stay proceeding to allow petitioner appeal of his 39  
E motions to alter or amend judgment. Please have those documents  
filed and forward to the South Carolina Attorney General's office Alicia Olive  
as SCOC is refusing to make copies so petitioner can serve them process  
or give petitioner paper to make copies. Please return the petitioner a  
clock date copy showing that this document was filed.

Date September 18<sup>th</sup> 2017

~~Sharon Brooks~~  
Army Brooks 31300  
PCS  
430 Oaklawn Rd  
Pebler SC 29669

CERTIFICATE OF SERVICE

I Anton Brooks hereby certify that I've served the South Carolina Supreme Court at P.O. Box ~~11330~~ <sup>11330</sup> Columbia, SC 29211 (1) copy of petitioner's motion in affidavit to Revere Counsel and stay the proceedings to allow petitioner appeal of his 59 E motions to alter or amend the judgment by placing a copy of the same in the Perry Correctional mail box at P.O. paid postage addressed to the above this 18th day of September 2017

Anton Brooks  
Anton Brooks  
P.C.S.  
438 Oaklawn Rd  
Petersburg 29169

**RECEIVED**

SEP 21 2017

**S.C. SUPREME COURT**

IN THE SOUTH CAROLINA SUPREME COURT

ANTHONY BROOKS  
Petitioner

vs.

STATE OF SOUTH CAROLINA  
Respondent

Case # 2015-001610

Motion IN affidavit to Relieve Counsel  
And stay the Proceeding to allow  
Petitioner appeal of his 59 E motion to  
alter or amend the Judgment

Petitioner Anthony Brooks moves with motion IN affidavit to Relieve Counsel and  
stay the Proceeding to allow Petitioner appeal of his 59 E motion to alter or  
amend the Judgment :

(Facts on next page)

**RECEIVED**

SEP 21 2017

**S.C. SUPREME COURT**

## STATEMENT OF FACTS

This is a Pro se Petition to relieve counsel and to stay the enforcement of May 8th 2015 and April 13th 2017 erroneous adverse Judgment by William Jeffery Young and to stay the June 2nd 2015 notice of appeal dismissing Appellate counsel Robert M. Pachack from case 2015-001610 in the South Carolina Supreme Court.

Appellant filed a Post-conviction application on August 4th 2011, hearings on the matter has been held before Roger M. Young on September 18th 2013 Stephanie P. McDonald on November 20th 2013 Judge Thomas Cooper on September 8th 2015 and William Jeffery Young on April 22nd 2015, Plaintiff timely filed a 59 E motion to alter or amend the Judgment on April 22 2015 verbal order of dismissal of W. Jeffery Young and the motion was returned to the Plaintiff with no action alleging Plaintiff must submit through his attorney Mr. Boozer alleging Plaintiff still has an attorney. Plaintiff wrote the court of Berkeley clerk of office advising that he doesn't have a attorney and to file his motion to alter or amend the Judgment of the April 22nd 2015 verbal order. Plaintiff sent the motion to alter or amend and it was filed with the clerk of Berkeley county on May 14th 2015, on May 15th, 2015 the Berkeley county clerk of court filed Plaintiff challenge to the accuracy of transcription of proceedings of September 18, 2013; November 20th, 2013; September 8th, 2014; and April 22nd 2015, PCR hearings, on May 8th 2015, The Berkeley county clerk of court filed Plaintiff objection to proposed order in the guise of a motion to relieve counsel, Plaintiff filed this motion because the Berkeley county clerk of court refused to file his previous motions sending them back to Plaintiff stating he has counsel, on May 19th 2015 Plaintiff sent Berkeley county clerk of court a 59 E motion to alter or amend the April 22nd 2015 verbal order of dismissal with 30 arguments or more and it was never sent back to Plaintiff or ruled on, on June 2nd 2015, Plaintiff advised the South Carolina Supreme Court through

letter to Daniel E Shearhouse that he had 59 E motions to alter or amend the Judgment on file with the lower court of Berkeley County. on October 20, 2015 the Berkeley County Clerk of Court filed Plaintiff letter requesting the Judgment of the case informing the court that he never received a docket date and stamp copy by the court signed by Judge W. Jeffrey Young. on October 26, 2015 the Berkeley County Clerk of Court sent Plaintiff a copy of the signed order of Dismissal, on October 10th, 2015, Robert M. Pachak Plaintiff appellate counsel filed a petition for writ of certiorari Respondent filed a return to the petition on February 26, 2016, on October 19, 2016 W. Jeffrey Young a visiting Judge came to Greenville County following Petitioner's civil case # 2016-CF-23-4363 and ruled on his civil case dismissing a Plaintiff defendant. Petitioner then wrote W. Jeffrey Young on October of 2016. Petitioner sent a letter dated October 1st 2016 in which he asked Judge W. Jeffrey Young why the motions for 59 E was not ruled on and requested a hearing. on October 14th 2016 Judge W. Jeffrey Young administrative assistant wrote Plaintiff and stated the Sumter County Clerk's office had communicated with the Clerk's office concerning Plaintiff correspondence to their office and that their office stated that they have not motions to alter or amend, nor any motions for Reconsideration filed with the Berkeley County Clerk of Court in Plaintiff's case see exhibit C. Plaintiff resent the May 14th 2015 motion to alter or amend the Judgment to Judge W. Jeffrey Young at Sumter County Clerk of Court and sent South Carolina Attorney General's office a copy of the 59 E motion to alter or amend was filed. the Sumter County Clerk of Court refused to put a case number on the October 19th 2016 letter to Plaintiff intentionally to make it look like it was in reference to Plaintiff case 2011-CF-08-2260 in Berkeley County, on October 24, 2016, Respondent submitted a letter to the court in response and stated it did not intend to respond unless the court asked it to do so due to the Supreme Court's jurisdiction over the matter, Plaintiff objected to the letter and stated that a timely filing of a notice of appeal does not deprive the

lower court jurisdiction to hear a timely filed S9 E motion and requested a hearing on behalf October 2016 and the Berkeley County Clerk did not file and send the Plaintiff back the objection to the respondents October 24, 2016; letter Judge W. Jeffery Young instructed the Attorney General's office to schedule the matter for a hearing, respondents state the hearing shall be held in Richland County for February 13, 2017; however, this case is in Berkeley County not Richland County, on January 26, 2017, respondents sent Plaintiff a return to the [REDACTED] Petitioner's Alter or amend Judgment filed May 14, 2016, and a Proposed or of Dismissal for Judge Young to sign, Plaintiff didn't receive these documents until January 31st of 2017, on February 13th 2017, Plaintiff filed a motion to relieve appellate counsel and appoint a new counsel in the appellate court for appellate counsel not filing his documents and not filing a motion to have the court rule on S9 E motion to alter or amend, on July 23rd, 2017, Plaintiff filed a motion to hold the appeal in abeyance until the lower court ruled on his S9 E motion to alter or amend, see exhibit A on August 5th 2017, Plaintiff filed a motion for leave to hold the abeyance until the lower court ruled on his S9 E motion to alter or dismiss the appeal, on July 28th, 2017, Plaintiff filed a motion to schedule a hearing on his S9 E motion to alter or amend the Judgment and the clerk never filed the document, on February 13, 2017 and March of 2017 Plaintiff had his Power of Attorney Ms. Ericone Go to the Berkeley County Court of General Sessions to see if any order of dismissal were on file for February 13, 2017, or in 2017 and the clerk stated there was none and that scheduling of S9 E motions are done through the attorney General's office and that Plaintiff is sending the same request for a hearing and that have no control and that she will send Plaintiff a copy of the motion hearing request that he sent filed, on August 16th 2017 Berkeley County Clerk of Court sent Plaintiff the signed order of Dismissal dated February 4th 2017, and filed February 13th 2017 to Plaintiff, Plaintiff received that signed order of Dismissal on August 21st 2017, see exhibit D Plaintiff [REDACTED] filed a S9 E motion to alter or amend the February 13th 2017 order by placing a copy in the US mail at Perit Concessional on August 28th 2017 on September 5th 2017 The Berkeley County Clerk of Court sent Plaintiff back

The 59 E motion to alter or amend the Judgment not filed states that All Papers must go through your attorney see exhibit A Plaintiff received the motion for 59 E on September 11th 2017. See exhibit A. Plaintiff filed a notice of appeal to the South Carolina Supreme Court on \_\_\_\_\_, on September 5th 2017. The clerk denied Petitioner's Pro Se motion to remand dated August 5, 2017 states that Petitioner has counsel

### Argument

Petitioner shall have the right to dismiss appellate counsel because appellate counsel actions of not filing his documents is impeding the claims for review in his case on appeal. and thus petitioner should have his counsel [REDACTED] relieve.

There is a marked absence of fairness in denying an indigent convicted petitioner to seek access to the higher court [REDACTED] May 8th 2018 in lower court case 2011-CF-08226b Attant Brooks vs. State of South Carolina and February 13th 2017 order denying petitioner's motion to alter or amend the Judgment by W. Jeffery Young and the September 9th 2017 denial to file Plaintiff 59 E motion to alter or amend the Judgment of Judge W. Jeffery Young February 13 2017 order denies Petitioner's alter or amend that the Berkeley court clerk with the initial J L H sending petitioner 59 E motion back unfiled to Plaintiff.

Petitioner filed motion to relieve counsel Robert M. Pachak on January 15 2016 July 23, 2017, [REDACTED] Plaintiff filed a motion to hold the appeal in abeyance until the lower court ruled on his 59 E motion to alter or amend, on August 5th 2017 Plaintiff filed a motion for leave to hold the case in abeyance until the lower court ruled on his 59 E motion or dismiss appeal, each of these motions Plaintiff requested that Robert M. Pachak to file, petitioner advised Mr. Pachak that he had a 59 E motion in the Berkeley court clerk of court and to start his appeal via telephone on October of 2015 and his clerk cut petitioner phone calls off and failed to answer petitioner calls, despite those efforts Mr. Pachak still proceeded with the appeal knowing petitioner had a 59 E motion to alter or amend the Judgment in the lower court and the

South Carolina Supreme Court denied Petitioner motion to relieve counsel on January 15th 2016, [redacted] August 5th 2017 etc., these denials have impeded Petitioner from having review of his claims in the lower court of his 59 E motions to alter or amend the judgment.

Appellant asserts that the South Carolina Supreme Court Daniel E. Shearhouse, Clerk [redacted] and Justices, [redacted] cannot arbitrarily cut off appeals rights for indigents while leaving open avenues of appeal for more affluent persons, unfairness results only if indigent prisoner Alton Brooks [redacted] singled out by Robert M. Pachak, Berkeley County Clerk of Court J.L.H. and Daniel E. Shearhouse <sup>to deny him</sup> meaningful access to the appellate system because of his poverty.

"There can be no equal justice where the kind of appeal a man enjoys 'depends on the amount of money he has'."

"[E]ven the state chooses to establish appellate review in civil and criminal cases, it may not foreclose indigent prisoners from access to any phase of that procedure because of their poverty." The [redacted] September 5th 2017 denial to file Plaintiff's 59 E motion to alter or amend the judgment by the Berkeley County Clerk of Court J.L.H., initials states that Petitioner has counsel and appellate counsel Robert M. Pachak denial to file a 59 E motion to alter or amend the judgment to the April 13th 2017 order of dismissal of 59 E motion and filing of a notice of appeal imposes financial barriers to the adjudication of a prisoner's appeal was held to violate the Fourteenth Amendment. That ultimately subject Appellant Alton Brooks to denial of a fair appeal and is with relief is not available from any other court and with a stay is justified.

see. Ross v. Moffitt, cite as 94 S Ct 2437 (1974), Id at 2443. Mr Justice REHNQUIST delivered the opinion of the court: "Due Process" emphasizes fairness between the state and the individual dealing with the state; regardless of how other individuals in the same situation may be treated. "Equal Protection" on the other hand, emphasizes disparity in treatment by a state between classes of individuals whose situations are arguably indistinguishable.

See Ross v. Moffitt, cite as 94 Sct. 2437 (1974), Id at 2444; Mr. Justice REHNQUIST delivered the opinion of the court: [3; 4] Douglas v. California, supra, unfairness results and if indigents are singled out by the state and denied meaningful access to the appellate system because of their poverty, that question is more profitably considered under an equal protection analysis.

See Ross v. Moffitt, cite as 94 Sct 2437 (1974) Id at 2444; Mr. Justice REHNQUIST delivered the opinion of the court: [3; 4] In language invoking equal protection notions is prominent both in Douglas and in other cases treating the rights of indigents on appeal, the court in Douglas for example stated [w]here the merits of the one and only appeal an indigent has as of right are decided without benefit of counsel, we think an unconstitutional line has been drawn between rich and poor. 372 U.S., at 357, 83 S. Ct. at 816 (emphasis in original)

The court in Burns v. Ohio, stated the issue in the following terms: "[L]nce the state chooses to establish appellate review in criminal cases, it may not foreclose indigents from access to any phase of that procedure because of their poverty." 366 U.S. at 257, 79 S. Ct. at 1168.

See Ross v. Moffitt, cite as 94 S. Ct 2437 (1974), Id at 2444-2445; Mr. Justice REHNQUIST delivered the opinion of the court: [5-8] It does require that the state appellate system be "free of unreasoned distinctions", Binaldi v. Yeager, 384 U.S. 305, 320, 86 S. Ct. 1497, 1500, 16 L. Ed. 2d 577 (1966), and that indigents have an adequate opportunity to present their claims fairly within the adversarial system. Griffin v. Illinois supra; Draper v. Washington 372 U.S. 487, 83 S. Ct 779, 9 L. Ed. 2d 899 (1963). The state cannot adopt procedures which leave an indigent defendant "entirely cut off from any appeal at all" by virtue of his indigence.

See lane v. Brown, 372 U.S., at 481, 83 S. Ct., at 771, or extend to such indigent defendants merely a "meaningless ritual" while others in better economic circumstances have a "meaningful appeal." Douglas v. California, supra, 372 U.S. at 358, 83 S. Ct. at 817.

If fundamental rights are withdrawn and severe harms are discriminatorily inflicted on detainees like Anthony Brooks merely to secure minimal

Savings in time and effort for administrators, the guarantee of Due Process is violated.

The Touchstone of due process is protection of the individual against arbitrary action of government. Dent v. West Virginia, 129 U.S. 1123; 9 S.Ct. 231, 233, 32 L.Ed. 623 (1889). The relevant constitutional provisions are limitations on the power of the sovereign to infringe on the liberty of the citizen

Petitioner submits that Robert M. Pachak has impeded and continues to impede petitioner in his appeal and is denying petitioner meaningful review in his appeal constituting a miscarriage of justice denying petitioner procedural due process by not ensuring that the lower court of Berkeley county and Judge William Jeffery Young rule on his 59 E motion to alter or amend judgment filed April 29, 2015, May 8th 2015, May 14, 2015, September 28th 2015, and proceeding with the appeal arguing claims that petitioner did not agree to or ask him to do see Robert M. Pachak writ of certiorari, concerning denial of counsel issues, and competency. Petitioner objected to the validity of the transcription and proposed order and appellate counsel Robert M. Pachak didn't ensure that the transcription was correct before moving with the appeal, this was not the advise of petitioner. A incorrect transcription is before the South Carolina Supreme Court. Petitioner, motion to alter or amend the judgment filed May 14th 2015 states at [redacted] - that petitioner never refused to call any witnesses and that he was removed from the court and when he came back into the court his witnesses Aisha Greene, Mrs. Brooks were removed from the court room by Lance S. Boozer and that when petitioner came in the court room he asked where his witnesses were at and the bailiffs said that left. Judge William Jeffery Young stated that Mr. Brooks can call his first witness, petitioner told William Jeffery Young that none of his witnesses are there. Judge William Jeffery Young then stated you can take the stand [redacted] or call your first witness. Petitioner then requested and stated your honor I file a motion to relieve the shakels so I can present my case, Judge William Jeffery Young said I don't have to do that, Judge William Jeffery Young then stated that you can call your first witness or take the stand, petitioner then told Judge William Jeffery Young I move for summary judgment on the pleadings and Judge

William Jeffrey Young stated this case is dismissed, Petitioner then timely filed a 59 E motion to alter or amend judgment on April 29th 2015, May 8th 2015, May 14th 2015, May 18th 2015, May of 2015 and advised the South Carolina Supreme Court that he have a 59 E motion to alter or amend the Judgment in the lower court that has not been ruled on; [REDACTED]. Robert M. Pachak knew of this motion and failed to file a motion to hold the case in abeyance or dismiss the appeal without prejudice until the lower court rule on the 59 E motion, Petitioner argument in his 59 E motion to alter or amend objects to the order of dismissal with ground that he did not fail to call witnesses, Petitioner moved for summary Judgment on <sup>the Pleading</sup> [REDACTED] and the court denied him summary Judgment and dismissed the case, Petitioner May 14th 2015 motion to alter or amend the Judgment filed by the Berkeley County Court of Common Pleas, stating that the court ~~failed~~ failed to uphold the integrity of the court on the grounds that petitioner was not allowed to present witnesses because his witnesses were not subpoenaed and he was not "put on notice" of the hearing, Applicant <sup>stated</sup> [REDACTED] he did not refuse to call witnesses but rather, the court "failed to uphold the integrity of the court and abide by the South Carolina rules of civil procedure ... by not entertaining the motion for summary Judgment, motion to relieve shackles, motion to relieve counsel and appoint new counsel, motion to intervene, motion to interplead in a miscarriage of Justice"

Petitioner submitted that his summary Judgment motion was to include prosecutorial misconduct for James Courtney and Jackie Nolen Mastantuno knowing's perjured testimony that James Warren Taylor suffered a orbital fracture to the Jull committing's subornation of perjury and perjury obstruction of justice through Doctor Timothy Burton Osborn that James Warren Taylor suffered a orbital fracture knowing that there wise no X-rays or ct scans showing that James Warren Taylor had a orbital fracture, and that Petitioner sent the South Carolina Attorney General [REDACTED] Ashley Rayanna Wilson a letter of inquiry certified mail requesting James Warren Taylor X-rays and ct scans and that the defendant's state of South Carolina never produced the X-rays and or ct scans and that his p.c.c counsel ~~had~~ sent him false subpoenas stating that she received the MRIS and ct scans knowing this to be false and that Pamela Jeanne Polzik p.c.c counsel sent petitioner fake subpoenas from Trident hospital of N. Charleston and

(PS9)

MAIL ROOM  
LEGAL MAIL

when mt. James Warren Taylor was treated at monks corner Trident medical center in monks corner sc 29514 Charleston sc. Petitioner submitted that this was done to make a innocent glass that Pamela Jeanne Polzin had the mri's and ct scans and that no doctor would review them. However, petitioner had a doctor to review them at m.u. sc hospital in Charleston and when he told ms Polzin this at the April 22nd and 23rd hearing ms Polzin allege she dont have them with her and that she didnt bring them it was at her office

Petitioner submitted that the failure to produce the ct scans and mri's shows as a prima facie evidence that petitioner is false imprisoned and if the state of South Carolina fail to produce the mri's and ct scans and x-rays them none exist and that he's false imprisoned see either party may move for summary judgment on the PCR application at any time, the PCR court may grant such a motion "when it appears from the pleadings, depositions, and admissions and agreement of fact together with any affidavits submitted that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. sc code ann §17-27-70(c) 2003. Petitioner submit that the lower court denied plaintiff procedural due process in violation of Nice v. State, 409 S.E.2d at 394, in a miscarriage of justice, because petitioner claims of

prosecutorial misconduct by way of perjury is a substantial claim, also petitioner claim that he did not fail to call witnesses and that his witness, Arisha Greene, ms. Brooks, ms. Arisha Greene testimony as petitioner power of attorney would have testified that she sent the letter of inquiry certified mail with return receipt to South Carolina Attorney General Ashleigh Renee Wilson requesting James Warren Taylor X-rays and ct scans and that defendants failed to disclose the evidence.

petitioner submit that he could not call witnesses because the court removed his witnesses ms. Greene and ms Brooks from the court without him knowing where they went as they were initially in the court and counsel lances, Boozer removed witnesses from the court without petitioner knowledge or consent and that when petitioner came into the court he asked the court and bailiff where his witnesses went the bailiffs said they left but when he got back to lee county court his power of attorney ms Greene stated that she and ms Brooks

(P510)

MAIL ROOM  
LEGAL MAIL

where removed by lance S. Bozer and that when she went to come back to the court she was told that the case was dismissed.

petitioner, submitted that this surprised him and that once the decision of his summary judgment depending on the results he would move for a continuance to call his witnesses, however the court denied him due course of justice and denied the case without entertaining the [redacted] rule 56 <sup>of Fed RCP</sup> summary judgment or giving plaintiff time [redacted] ask for a continuance to call witnesses denying petitioner due process of law in a miscarriage of justice, due to his witnesses being removed, denied petitioner the right to call his witnesses as he was surprised of their removal as witnesser mc. moha fireone who applicant was going to call was removed from the court, and not called back into court beyond applicant control. As Governmental interference prevented applicant from calling his witnesses, see McCleskey v. Zant 499 US, 497, 416 (1991) and the dismissal denied applicant a full hearing on the adjudication on the merits.

Petitioner submit that the order cites Link v. Wallbush Rail Road Co. 370, US, 626 (1962) as its lead case as this case pertains to counsel failure to appear at a pretrial and counsel not giving any sufficient reason for not appearing at said pre-trial.

In this instance, petitioner stated your honor none of his witnesses are here, and the court allege that is your problem, moreover petitioner was surprised and did not know where any of his witnesses went as that were initial in court.

As counsel lance S. Bozer could attest that that were removed and upon the witnesses removal no one [redacted] apprise them to be in court.

[redacted] Accordingly these events were beyond the applicants control. Id at 363 as the officers of the court alleged that the witnesses left but once petitioner [redacted] went back to see counsel his lawyer of attorney mc. fireone advised that she was removed from the court by court officers and while awaiting lance S. Bozer was explaining to the witnesses that petitioner was representing himself and that when that went to go back into the court that were told that the case was over as this happened in 5 to 8 minutes tops.

unlike Link v. Wallbush, petitioner has sufficient ground why he could not call

his witnesses and request a new hearing and the dismissal of the action altered or amended as provided by rule 59 E. S.C.R.C.P.

Petitioner submits that Robert M. Pachak actions of not filing a motion in the supreme court to stay the proceeding and hold the case in abeyance or a voluntary dismissal with [REDACTED] out prejudice, until the lower court rule on petitioner's

59 E motion to alter or amend the judgment and appealing of petitioner's

59 E motion to alter or amend the judgment dismissal February 13, 2017 and

filing a 59 E motion to alter or amend that judgment is a fraud to obstruct

petitioner the equal protections of laws and as a result of the impediment

by the states officer exceeds the limit of authority and the result is to

indure or arbitrarily deprive petitioner of civil rights, privileges and immunities

under the law as a citizen of the United States in a action at law suit,

inequity or other proper proceeding for redress, the conduct of Robert M.

Pachak is a extrinsic fraud on the court: [REDACTED] Perpetrated by

officers of the court: Extrinsic fraud refers to frauds which are collateral

or external to the matter tried such as misleading acts which prevent the

movant from presenting all of his case. Id at 405. It is some

intentional act or conduct by which the prevailing party has prevented the

unsuccessful party from having a fair submission of the controversy. Fraud

upon the court has been defined as that species of fraud which does or

attempts to, subvert the integrity of the court itself, or is a fraud

perpetrated by officers of the court so that the judicial machinery cannot

perform in the usual manner its impartial task of adjudging cases that

are presented [REDACTED] for adjudication." H. Lightsey, J. Flanagan, South

Carolina Civil Procedure, 408 (2nd Ed. 1985), Rule 60B 3 the rule further

provides it does not limit the power of a court to entertain an independent

action to relieve a party from a judgment, order or proceeding or to set

aside a judgment for fraud upon the court." Again, there is no specific time

limit, accordingly Robert M. Pachak and The Berkefeld court clerk failure to file

petitioner's 59 E motion to alter or amend judgment to order of dismissal of 59 E motion

dated August 28th 2017 and returned to plaintiff unfiled stating that petitioner has

██████████ Counsel is a misconstruction of substantive law and rebellion of legal evidence to do grievous harm to Petitioner to deny Petitioner a full adjudication on the merits of his claims in the state and federal courts. See Bray v. State, 1620 SE2d 743 (S.C. 2005). "PCR cases are treated differently from traditional civil cases, requiring, for example, that appellate counsel brief all arguable issues despite counsel's belief the appeal is frivolous and requiring by statute, court appointed counsel for an indigent applicant who is granted a hearing (citing Wade, 559 SE2d at 847)

To capture these concepts PCR is sometimes referred to as a hybrid form of action. Sutton, 1666 SE2d at 741. The burden of proof is on the applicant in a PCR action. See Rule 71.1 of S.C.R.P. Petitioner submits that the burden is on him not counsel and for the court not to file his documents under Foster v. State, State v. Stuckel *supra* is a nullity.

██████████ Petitioner Antony Brooks' seeks writ of Prohibition, claiming that he had no notice or opportunity to be heard. The court concluded that deprivation of property without notice and an opportunity to be heard was contrary to the general laws of the land, and granted the prohibition.

See Pulliam v. Allen, cite as 164 S.Ct 1970 (1984), *Id* at 1972;

Justice Blackmun delivered the opinion of the court. The court declared the practice to be a violation of due process and equal protection and enjoined it.

*Id.* The court in Evold quoted from Blackstone, who described the use of the writ of prohibition as follows: "This writ may issue either to inferior courts of common law, as where they require two witnesses to prove the payment of a legacy, a release of tithes or the like, an imprisonment; which no wise Government can ought to endure, and which is therefore a ground of prohibition; in such cases also a prohibition will be awarded. For, as the fact of signing a release, or of actual payment, according to the court in which the suit is pending. And if either the Judge or the Party shall proceed after such prohibition, an attachment may be had against them, to punish them for the contempt, at the discretion of the court that awarded it. and an action will lie against them; to, repair the party injured in damages

3. W. BLACKSTONE, Commentaries 112-113 (Footnotes omitted).

See Pulliam v. Allen cite at 104 S.Ct 1970 (1984), Id. at 1976: Justice BLACKMUN delivered the opinion of the court: III The King's Bench exercised significant collateral control over inferior courts and rival courts through the use of prerogative writs. The writs included habeas corpus, certiorari, prohibition writs, mandamus, quo warranto, and ne exeat regio. 1 Haldsworths at 226-231 (7th ed 1956), most interesting for our current purpose are the writs of prohibition and mandamus: 'the writs issued against a judge, in theory to prevent him from exceeding his jurisdiction or to require him to exercise it. Id. at 228-229. In practice, controlling an inferior court in the proper exercise of its jurisdiction meant that the King's bench used and continued to use the writs to prevent the judge from committing all manner of errors, including departing from the rules of natural justice, proceeding with a suit in which he has an interest, misconstruing substantive law and rejecting legal evidence, see 1 Halsberrt Laws of England Id. 76, 81, 130 (4th ed 1973). Gordon, The observance of law as a condition of jurisdiction, 47 L.Q. Rev. 386, 394 (1931)'<sup>10</sup>

Examples are numerous in which a judge of the King's Bench by issuing a writ of prohibition at the request of a party before an inferior or rival court, enjoined that court from proceeding with a trial or from committing a perjured error during the course of that trial, see generally Dobbs, The Decline of Jurisdiction by consent, 40 N.C.L. Rev. 49, 60-61 (1961).

See Pulliam v. Allen, cite at 104 S.Ct. 1970 (1984), Id. at 1977: Justice Blackmun delivered the opinion of the court: Footnote 13. See also Queen v. Adamson, 1 Q.B. 261 (1875) (mandamus issued to require Justice of the Peace to hear applications for a summons to answer a charge of conspiracy to do grievous harm where refusal had been on distaste for applicant views), Queen v. Masham [1892] 1 Q.B. 371 (1891) [redacted] (mandamus issued to require a magistrate to hear legal evidence)

(1914)

Petitioner submits that Robert M. Pachak had not submitted a complete lower court record in the appendix and affid, to include the 4 amendments to the application filed by Pamela Jeanne Polzin and Lance S. Bozzer to the PCR application or the video [redacted] that was used in the case for the record on the fact that PCR counsel Lance S Bozzer worked for the South Carolina Attorney General's office before representing petitioner on PCR and that these actions are [redacted] a conflict of interest, thus, petitioner should not have been forced to be represented by conflicted counsel as those issues are in petitioner's motion to relieve counsel and 59 E motion to alter or amend the Judgment, so that counsel's actions of arguing petitioner's competency was drawn into question, by Robert M. Pachak on certiorari to the South Carolina Supreme Court, falls below the objective reasonable standard for appellate counsel provided by the sixth amendment of the United States Constitution, when the record is clear that Lance S. Bozzer was appointed by the South Carolina Attorney General's office and worked for the AG's office before representing petitioner and was a conflict of interest and should have been relieved from representation and petitioner given another counsel.

Petitioner submits that has submitted evidence to the effect that Robert M. Pachak shall be dismissed from this action for not arguing petitioner's claims and not filing a motion in the supreme court to hold the case in abeyance until the lower court ruled on his 59 E motion and then failing to appeal the denial of his 59 E motion to alter or amend the judgment.

Those actions has denied petitioner "Procedural due Process" to adequate appeal, citing [redacted] Price v. State supra have petitioner not being poor he would have a meaningful review to the appellate process because [redacted] higher level counsel will litigate for the [redacted] petitioner moved to have appellate counsel Robert M. Pachak <sup>remove</sup> from his case and his case stayed until petitioner can adequately argue his case. Attachment is petitioner 59 E motion of August 28th 2017.

I swear under penalty and perjury that the foregoing is True and correct this 18th day of September 2017

SL [redacted]  
Anthony Brock 31300  
PCR  
136 oaklawn rd  
Pcher SC 29169

(pg 15)

## Exhibit A

§ 9 E motion that Petitioner sent to The Berkeley County Clerk of Court on August 28th 2017 that was not filed by the clerk and sent back to petitioner and he received it September 14th 2017. see envelope attach in front of this motion.



U.S. POSTAGE PITNEY BOWES



ZIP 29461 \$002.03<sup>0</sup>  
02 1W  
0001398857 SEP 05 2017

**MARY P. BROWN**  
Clerk of Court, Berkeley County  
P.O. Box 219  
Moncks Corner, SC 29461-0219

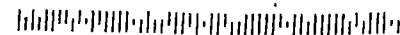
Return Service Requested

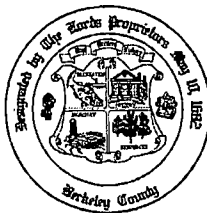
CP-05

BX7

Altony Brooks #313000  
PCI  
430 Oaklawn Rd  
Pelzer SC 29669

SEP 5 2017





**MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY**

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

TO: Attorney Brooks

RE: 2011-CP-08-02266

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

- This document is not signed / notarized
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Date 8 9/5/17

FILED  
2017 SEP -5 AM 11:07  
MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY  
Alton Brooks,  
Applicant  
v.  
STATE OF SOUTH CAROLINA  
Respondent

IN THE COURT OF COMMON PLEAS  
IN THE NINTH JUDICIAL CIRCUIT  
Case No: 2011-CP-08-2266 <sup>And</sup>  
Plaintiff motion in Affidavit ~~to~~ object ~~to~~  
Alter or Amend Judgment under  
S.C.R.C.P. Rule 59 E order of dismissal  
of 59 E motion

Plaintiff move with objection to alter or amend the judgment of the February 13, 2017 filed motion of Dismissal signed by W. Jeffery Young on February 4th 2017 and sent to Plaintiff August 16, 2017 by the Berkeley county clerk of court and received by the Plaintiff August 21, 2017.

#### Argument

Plaintiff was denied a right to object to Defendant's proposed order of Dismissal and a hearing on the Applicant's motion to alter or amend in violation of procedural due process afforded by the 14th amendment of the United States Constitution and S.C. Constitution Article 1 Section 3

Plaintiff filed a Post conviction application on August 4th, 2011, upon information and belief respondent's never filed a return. An Extraordinary hearing into the matter was convened on April 22nd 2015 at the Charleston county court house. Plaintiff was represented by Lance S. Bozzer, Esquire and Joshua L. Thomas, Esquire of the South Carolina office of Attorney General represented Respondent, on April 22nd 2015 W. Jeffery Young verbally dismissed Plaintiff's application and referred Lance S. Bozzer as counsel for the Plaintiff, on April 29, 2015 The Berkeley county clerk of court filed Plaintiff motion for summary judgment and Plaintiff 59 E motion to alter or amend the judgment of W. Jeffery Young April 22nd 2015 verbal order of dismissal see exhibit A and returned it to Plaintiff with no action alleging Plaintiff must submit through his Attorney Mr. Bozzer alleging Plaintiff still has an attorney. Plaintiff wrote the court advising that he does not have an attorney and to file his motion to alter or amend the judgment of the April 22nd 2015 verbal order. Plaintiff resent the motion to alter or amend and it was filed by the clerk of Berkeley county on May 14 2015

on May 5th 2015 the Berkeley county clerk of court filed Plaintiff challenge to the accuracy of transcription of proceedings of September 18, 2013, November 20th, 2013, September 8th, 2014 and April 22nd 2015 PCR hearings, on May 8th, 2015, the Berkeley county clerk of court filed Plaintiff objection to proposed order in the guise of a motion to relieve counsel, Plaintiff filed this motion because the Berkeley county clerk refused to file his previous motions sending them back to Plaintiff stating he has counsel, on May 19th, 2015, Plaintiff sent the Berkeley county clerk of court a 59 E motion to alter or amend the April 22nd 2015 verbal order of dismissal with 30 arguments or more see exhibit B was never sent back to the Plaintiff or ruled on, on June 2nd 2015 Plaintiff filed a prose notice of appeal, on June 2nd 2015 Plaintiff advised the South Carolina Supreme Court through letter to Daniel E Shearhouse that he had 59 E motions to alter or amend the judgment on file with the lower court of Berkeley county, on ~~October 20 2015~~ ~~the Berkeley county clerk of court filed~~ Plaintiff letter requesting the judgment of the case informing the court that he never received a clocked date and stamp copy by the court signed by Judge W. Jeffery Young, on October 26, 2015 the Berkeley county ~~clerk of court~~ sent Plaintiff a copy of the signed order of dismissal, on December 10th 2015 Robert M. Pachak Plaintiff ~~attorney~~ appellate counsel filed a petition for writ of certiorari Respondent filed a return to the petition on February 26, 2016, on October 19th 2016 W. Jeffery Young a visiting judge came to Greenville county following petitioner's civil case in case # 2016-cv-2364303 and ruled on his civil case dismissing one of his claims, Plaintiff then writes W. Jeffery Young on October 19th, 2016 Applicant sent a letter dated October 10th 2016 in which he asked Judge W. Jeffery Young why the motions for 59 E was not ruled on and requested a hearing on October 14th 2016 Judge W. Jeffery Young Administrative Assistant wrote Plaintiff and stated that the Sumter county clerk's office had communications with the clerk's office concerning Plaintiff correspondence to their office and that their office stated that there have been no motions to alter or amend, nor any motions for reconsideration filed with the Berkeley county clerk of court in Plaintiff ~~case~~ case see exhibit C, Plaintiff resent the May 14th 2015 motion to alter or amend the judgment to Judge W. Jeffery Young at

Sumter county clerk of court and sent the South Carolina Attorney General's office ~~and~~ a copy of the S9 E motion showing that a S9 E motion to alter or amend was filed. The Sumter county clerk of court refused to put a case number on the October 14, 2016 letter to Plaintiff upon belief intentionally to make it look like it was in reference to Plaintiff case 2011-CP-072206 in Berkeley County, on October 24, 2016 Respondent submitted a letter to the court in response and stated it did not intend to respond unless the court asked it to do so due to the Supreme Court's jurisdiction over the matter. Plaintiff objected to the letter and stated that a timely filing of a notice of appeal does not deprive the lower court jurisdiction to hear a timely filed S9 E motion and requested a hearing, on October 2016 and the Berkeley County clerk did not file and send the Plaintiff back the objection to the Respondent's October 24, 2016 letter. Judge W. Jefferet Young instructed the Attorney General's office to schedule the matter for a hearing, Respondents state the hearing shall be held in Richland county for February 13, 2017, however, this case is in Berkeley County, the court nor Respondents ever sent Plaintiff a notice of the hearing scheduled for February 13th 2017 for Richland county or any county, on January 26 2017 Respondents sent Plaintiff a return to the Plaintiff after or amend judgment filed May 14 2015, ~~██████████~~ and a proposed order of Dismissal for Judge Young to sign. Plaintiff didn't receive these documents until January 31st of 2017 ~~██████████~~. On February 13th 2017 Plaintiff was never taken to a hearing for P.C.R., on January 15 2016 Plaintiff filed a motion to relieve appellate counsel and appoint a new counsel in the appellate court for appellate counsel not filing his documents and not filing a ~~S9 E motion to alter or amend~~ <sup>motion to have the court file on appeal S9</sup>, on July 23 2017 Plaintiff filed a motion to hold the appeal in abeyance until the lower court ruled on his S9 E motion to alter or amend, see exhibit. on August 5th 2017 Plaintiff filed a motion for leave to hold the case in abeyance until the lower court ruled on the S9 E motion or dismiss appeal, on July 28th 2017 Plaintiff filed a motion to schedule a hearing on his S9 E motion to alter or amend the judgment and the clerk never filed the document, on February 13, 2017 and March of 2017 Plaintiff had his Power of Attorney Aisha Greene Go to the Berkeley County ~~court~~ <sup>court</sup> of General Sessions to see if any order of dismissal

October 2016  
 motion to alter  
 court

where on file for February 13, 2017 or in 2017 and the clerk stated there was none and that scheduling of 59 E motions are done through the attorney General's office and that Plaintiff is sending the same request for a hearing and that have no control and that she will send Plaintiff a copy of the motion hearing request that he sent filed, on August 16th 2017 Benlow court clerk of court sent Plaintiff the signed order of dismissal dated February 4th 2017, and filed February 13th 2017 to Plaintiff, Plaintiff received that signed order on August 21st 2017, see exhibit D Plaintiff ~~now~~ <sup>now</sup> ~~timely~~ files a 59 E motion to alter or amend the February 13th 2017 order, by placing a copy in the US mail at Perry Correctional on August 28th 2017

Plaintiff submits that he was denied a right to object to defendant's proposed order of dismissal and denied a hearing to present evidence to object to the defendant's proposed order ~~and~~ of dismissal and return, Plaintiff received the proposed order of dismissal and return on January 31st 2017, Judge W. Jeffrey Young signed the proposed order on February 4th 2017, ignoring his recent letter to the attorney General respondent to schedule a hearing on the 59 E motion of Plaintiff on for the date of February 13th 2017, see. The Supreme court has repeatedly reminded all involved parties that:

Co-counsel complains proposed orders should be meticulous in doing so, opposing counsel should call any omissions to the attention of the P.C.R. Judge prior to issuance of the order, and the P.C.R. Judge should carefully review the order, prior to signing it. Even after the an order is filed, counsel has an obligation to review the order and file a 59 (e) S.C.R.C.P. motion to alter or amend if the order fails to set forth the findings ~~and~~ and reasons for those findings as required by 617-27-80 and Rule 52 (a) S.C.R.C.P.

A rule 59 E motion must be served within ten days of receiving written notice of the entry of the order denying post conviction relief, see S.C.R. Civ.P. 59(e). Filing a 59 (e) motion also the time for filing a notice of appeal, Pruitt, 423 S.E.2d at 128; see also Marlar, 653 at 267. Hall, 601 S.E.2d at 341.

in this instance the court signed the proposed order 4 days after the plaintiff received the proposed order of dismissal and return to plaintiff 59 E motion to alter or amend the judgment filed May 14th 2015, in this instance the respondents never responded to plaintiff's objection to proposed order of dismissal in the guise of motion to relieve counsel filed May 8th, 2015, or plaintiff motion to alter or amend judgment with 50 or more arguments sent by plaintiff to the Berkeley county clerk of court May 19th 2015 or plaintiff summary judgment motion sent to the Berkeley county clerk of court filed April 29th 2015 or plaintiff motion challenging the validity of the transcripts filed May 6th 2017. ~~As~~ AS shown plaintiff wasn't given no chance to adequately object before the judge signed ~~the~~ defendants proposed order and denied plaintiff the right to a hearing in his 59 E motion to alter or amend.

see S.C. constitution article 1 section 3 § Privileges and immunities of citizens of this state and of the United States under the constitution shall not be abridged, nor shall any person be deprived of life, liberty or property without due process of law; nor shall any person be denied the equal protection of the laws.

Due process is flexible and calls for each such procedural protection as the protection as the particular situation demands, Osburn-Mathews v. Abbott Partners, 332 S.Ct. 551, 561, 503, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Quoting Starnover Env. Protection Central 308, S.C. 20, 94, 406, 507, 340, 341 (1991) "the requirements of due process include notice, an opportunity to be heard in a meaningful way and judicial review," Osburn-Mathews, 332, S.C. at 560, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629, 631, 633, 635, 637, 639, 641, 643, 645, 647, 649, 651, 653, 655, 657, 659, 661, 663, 665, 667, 669, 671, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, 739, 741, 743, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 893, 895, 897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 953, 955, 957, 959, 961, 963, 965, 967, 969, 971, 973, 975, 977, 979, 981, 983, 985, 987, 989, 991, 993, 995, 997, 999.

See also Mullane v. Cent Hanover Bank and Trust Co. 339, US 306, 314, 70, S.Ct. 1652, 1941 ed 865 (1950) (stating that the due process clause demands "notice reasonably calculated under all circumstances, to apprise interested parties of the pendency of the action and afford them ~~the~~ an opportunity to present their objections") of S.C. constitution art 1 § 22 (no person shall be finally bound by a judicial or quasi-judicial decision or administrative agency affecting private rights except on due process and a opportunity to be heard).

In Webster v. Clinton our supreme court stated the general rule: its a fundamental doctrine of the law that a party whose personal rights are

to be affected by a personal judgment must have a day in court, or opportunity to be heard, and that without notice and a opportunity to be heard a court has no jurisdiction to adjudicate such personal rights. A judgment by a court without justification of both the parties and the subject matter is a nullity and must be so treated \*122 by the courts whenever and for whatever it is presented and relied on. 259, 563 307, 396, 92, 888d, 214, 216 (1997)

Plaintiff moved to alter or amend the courts decisions to sign defendants proposed order of dismissal and dismissal of his 59 E motion to alter or amend to give the plaintiff a fair opportunity to be heard at a hearing and a right to object to the motion to dismiss and includes all his filed motions for 59 E filed may 14th 2015, may 5th 2015, may 19, 2015 and plaintiffs objection [REDACTED] to the validity of the transcript filed may 5th 2015. for these reasons plaintiff move for a new hearing and hearing on the matter for the next scheduled term of court.

#### ARGUMENT

Plaintiff was denied [REDACTED] Appointment of counsel when a hearing was required for plaintiff rule 59 E motion to alter or amend judgment.

As shown in Defendants and the court order of dismissal filed on February 13th 2017 the day the court requested the scheduling of the hearing on the 59 E motion to alter or amend the judgment

See In non capital cases, counsel will be appointed for indigent applicants only if a hearing is held. S.C.R. 21-1(d) if after the state file its return, the application presents questions of law or fact which will require a hearing. The court shall promptly appoint counsel to assist the applicant if he is indigent.")

In this instance plaintiff motions for 59 E to alter or amend the judgment filed may 5th 2015, may 14th 2015, may 19th 2015 and summary judgment motion filed April 29, 2015 and motion to challenge validity of transcript presents questions of law and fact that determined a hearing as plaintiff rehearsed all his argument from his 3 filed amended applications and his initial [REDACTED] P.C.E. motion, on those grounds as presented in all his motions before the court and amendments. See the entire record in its entirety plaintiff move to have counsel appointed and a hearing held to hear plaintiff 59 E motions to alter or amend the judgment.

Plaintiff objects to Page 2 lines 6- Respondent submitted a formal return to the motion to Alter or Amend. Plaintiff objects and state that ~~this on~~ the Respondent's return is untimely, the state as respondent is required to answer the allegations within 30 days, see Gunter v. State, 229 S.E.2d 723, 724, (S.C. 1976) in this instance, Plaintiff motions was filed May 5th 2015, May 14, 2015, and May 19, 2015 and respondents failed to respond to either of Plaintiff's motion to alter or amend the Judgment. Respondent made a return to the motion of the May 14th 2015 motion to alter or amend Judgment on January 26th 2017, 20 months later in this instance defendant has procedurally defaulted their claims and a hearing should be held on the merits of all of Plaintiff's motions.

Plaintiff objects to Pg 2 of 2 lines 7-10 of ~~the~~ the order of dismissal of Plaintiff's 59 E motion to alter or amend Judgment, (C.) the circuit court does not have subject matter jurisdiction to rule on the motion because the applicant appeal from the order of dismissal is currently pending before the South Carolina Supreme Court. See the service and filing of a ~~notice~~ notice of appeal before the filing of timely post trial motion under civil procedure rule 59 by any party does not deprive the lower court of jurisdiction to ~~consider~~ consider the motion. Hudson v. Hudson (1986) 290 S.C. 215, 349 S.E.2d 341. Plaintiff submits that the 59 E motions filed in this case was filed May 5th 2015, May 14th 2015, May 19, 2015, April 29th 2015 and Plaintiff received written notice of dismissal from the court on October 26, 2015, see A Rule 59 E motion must be served within ten days of receiving written notice of the entry of the order denying post conviction relief. S.C.R.C.P. 59(c) As shown Plaintiff 59 E motion was filed before reception of the notice of dismissal and as stated in Hudson v. Hudson, 1986) 290 S.C. 215, 349 S.E.2d 341. The filing of a timely post trial motion under civil procedure rule 59 by any party does not deprive the lower court of jurisdiction to consider the motion, in this instance Plaintiff filed all his post trial motions before he filed a appeal, Plaintiff filed a appeal on June 2nd 2015 for safety measure and it was a good thing because when Plaintiff wrote Judge Jeffery Young on the status of the motions for 59 E relief October 2017, Judge ~~Jeffery~~ Jeffery Young clerk wrote back to Plaintiff October 14th 2016 stating that the Sumter county clerk contacted Berkeley county clerk of court's office and that Per Berkeley county clerk

research of my files there have been no motions to alter or amend, nor any motions for reconsideration filed with Berkeley county clerk of court in your case leaving the case no spot on the letter blank, this was retolition as Judge Jeffert Young through the attorney General's office is following petitioner cases in the courts as Judge Young through the Attorney General office as a visiting Judge held Plaintiff hearings at a motion to dismiss on his case #2016-CP23-0123<sup>03</sup> in the Greenville county court of common Pleas, following Plaintiff as Judge Jeffert Young was a visiting Judge at Plaintiff PER hearing on mar 22nd 2015 and a visiting Judge at Plaintiff civil lawsuit in Greenville county court of common Pleas case # 2016-CP23-01303 on October 19, 2016 ~~2015~~ and w. Jeffert Young is the circuit court Admin Judge of Sumter, so the question is what is he following Plaintiff around the state hoping on his cases, since his being appointed by the Attorney General's office, since Plaintiff seen what the attorney General office and Judge w. Jeffert Young was doing in his cases Plaintiff ~~██████████~~ 59E motion filed mar 14th 2017 cover letter stated that Plaintiff ~~██████████~~ is being denied copies upon brief by Lee county court staff and that he needed the Berkeley county clerk to forward the motion to Judge w. Jeffert Young and the attorney General because he doesn't have copies upon this Judge Young and the attorney General office thought Plaintiff didn't have copies of the motion, however, Plaintiff had his power of attorney Asher Greene to go to Berkeley county clerk of court and purchase the filed mar 14th 2015 motion to alter or amend judgment and send it to him on August of 2015, so when Plaintiff seen that the Judge w. Jeffert Young and the Attorney General's office of South Carolina was trying to sabotage his case by saying the court doesn't have his mar 14th 2015 motion to alter or amend judgment and the Berkeley county clerk of court not filing and sending him back his 50 argument filed ~~██████████~~ mar 19, 2015 motion to alter or amend judgment UPS tracking number 9114-9014-9645-0108-960177 Plaintiff then sent Judge Jeffert Young and the attorney General of South Carolina his mar 14th 2015 motion to alter or amend the judgment on October of 2015, thereafter, on October 24, 2016 Respondent

submitted a letter to the court in response to recent Plaintiff SRE motion to alter or amend filed Nov 14th 2016 in which the Attorney General and W. Jeffrey Young thought Plaintiff did not have, and stated in their October 24, 2016 letter to the court in response and stated it did not intend to respond unless the court asked it to do so due to the Supreme Court's jurisdiction over the matter. Plaintiff objected to this motion letter on October 24, 2016 and submitted it to the Berkeley County Court of Common Pleas and the South Carolina Attorney General's office stating and citing Hudson v. Hudson, stating that the lower court has jurisdiction due to the SRE motions being filed timely and that a timely notice of appeal does not deprive the lower court of jurisdiction to hear a timely post trial motion. The Berkeley County clerk of court never filed and sent Plaintiff the ~~an~~ objection to the October 24, 2016. Plaintiff objects to the February 13th 2017 filed motion to dismiss at Page 2 lines 4-6 and state that the court never wrote him nor the Attorney General's office instructed him of the court instructing Respondents to schedule the matter for a hearing in Richland County February 13, 2017, however this case is not Berkeley County so I have to amend those facts as Richland County is not the proper court or jurisdiction. The Respondents allege that they filed a return on January 26, 2017 to Plaintiff motion to alter or amend and then a proposed order of dismissal for the court to sign. However, Plaintiff didn't receive the return or the proposed order of dismissal until January 31, 2017. ~~██████████~~ Judge W. Jeffrey Young signed the proposed order of dismissal on February 4th 2017 and it was filed upon information and belief February 13th 2017. If this is true Judge W. Jeffrey Young ought state Plaintiff 4 days to object to the proposed order before signing it, and denied Plaintiff a write to a hearing.

See The Supreme Court has repeatedly reminded all involved parties that:

[c]ounsel preparing proposed orders should be meticulous in doing so, opposing counsel should call any omissions to the attention of the PCR Judge prior to issuance of the order, and the PCR Judge should carefully review

the order prior to signing it. Even after an order ~~was~~ is filed, counsel has an obligation to review the order and file a rule 59(e) S.C.R.C.P. motion to alter or amend if the order fails to set forth the findings and the reasons for those findings as required by § 17-27-80 and rule 52(a) S.C.R.C.P.

In this instance Plaintiff did not have an opportunity to adequately object to the proposed order of dismissal of his 59 E motion to alter or amend judgment before the Judge signed it and the clerk filed it. and thus files this motion to alter or amend the judgment to include all the law and facts in this motion and all his previously filed motions and for preservation of the record issues. Plaintiff submits on October 31st 2016 the Supreme court denied Plaintiff motion to relieve appellate counsel Robert M. Pacheco and on January 15, 2016 and failed to file Plaintiff motion in the South Carolina Supreme court July 14th 2017 regarding issue of a leave of court for the court to the Supreme court so the lower court can rule on the 59 E motion pending in the lower court on August 16 2017 the South Carolina Supreme court dismissed Plaintiff letter to the clerk of court dated July 23, 2017, concerning holding the case of appeal in abeyance until the lower court rule on the 59 E motions. Plaintiff has done many things to have the Supreme court to hold the appeal in abeyance and for appellate counsel to file a motion to the Supreme court to hold Plaintiff case in abeyance and counsel has refused, in this instance the lower court has jurisdiction to ~~hear~~, hear the 59 E motions to alter or amend the judgment.

Plaintiff objects to the order of dismissal of his 59 E motion to alter or amend the judgment filed February 13, 2017 as 2017 lines 10 through 11. There are no issues raised in the motion that would need to be resolved for error preservation, Plaintiff recants all his motions for 59 E motion to alter or amend judgment, filed May 14, 2015, May 8, 2015, April 29th 2015, May 19, 2015 and his challenge to the validity of the transcript filed May 5th 2017. Plaintiff submits that as provided by rule 59(e) the court can open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions, and direct entry of a new judgment, Plaintiff submits that Plaintiff move to alter and amend its findings and grant a new hearing based on the premise that the court failed to entertain his summary judgment in a ~~case~~ miscarriage of justice when Plaintiff brought the summary judgment before the court and that for preservation issues it should be ruled on.

Plaintiff move with objection to the February 4th 2017, filed ~~on~~ February 13th 2017 order Dismissing Applicant's motion to alter or amend at Page 1 of 2 lines 5-8 upon commencement of the hearing; Applicant moved to relieve Mr. Bozzer as his attorney, Plaintiff objects and state that Judge Yarns cut him off in speech and refused to let him address all the grounds of what he wanted to relieve counsel, see Plaintiff filed motions to relieve counsel dated April of 2017 and March of 2017, showing that Lance S. Bozzer represented a conflict of interest and worked for the South Carolina Attorney General's office before representing Plaintiff, Plaintiff moved to relieve counsel on those grounds and more and Judge Yarns refused to not allow Plaintiff preserve his issues on his motions to relieve counsel, Plaintiff motion to relieve counsel requested another counsel for failing to amend his application for fraud, perjury and obstruction of Justice and failure to file a summary judgment motion on those grounds, the court did not grant applicant request and ~~the~~ Plaintiff proceeded pro se, Plaintiff requested another counsel and the court refused ~~to~~ to give Plaintiff new counsel due to a conflict of interest.

Plaintiff objects to PS 1 of 2 of dismissal of Applicant's motion to alter or amend at lines 7-9, The court ~~then~~ then directed applicant to call his first witness, Applicant refused to call any witnesses, the court then dismissed the action for failure to prosecute and issued a written order of dismissal filed May 8, 2015, Plaintiff did not refuse to call any witness Lance S. Bozzer removed Plaintiff witness from the court and when he came back in they were not present, Plaintiff then told the court that none of his witnesses were there and the court "stated" that is your problem, Plaintiff then filed a motion to relieve the shakels so he can present his case and Judge <sup>w</sup>Jeffery Yarns said "I Don't have to do that" and reiterated you can call your first witness or take the stand, Plaintiff stated I move for summary judgment on the pleadings and before he could state his grounds the court stated this case is dismissed. See either part 1 may move for summary judgment on PCR Application at any time, The PCR court may grant such a motion "when it appears from the pleadings, depositions and admissions and agreement of facts, together with affidavits submitted that there is no genuine issue of material fact

and the moving party is entitled to judgment as a matter of law. SIC code ANN. § 17-27-160 (2003). Plaintiff moves to alter or amend the judgment to allow Plaintiff to have a hearing on the issue of his summary judgment motion, Plaintiff objects to the order of dismissal of Applicant's motion to alter or amend at page 1&2 lines 10 through 15 Applicant subsequently filed a prose motion to alter or amend on May 14th 2015, Plaintiff objects and state that he originally filed his So argument brief of law to alter or amend on April 6 2017 and the court filed it on April 29th 2017 and sent it back to Plaintiff erroneously stating that he had counsel and that his So argument motion to alter or amend the judgment was initially filed on April 29, 2017 and the court had no business sending it back. See a successive application may be permitted where the Government interference or the reasonable unavailability of the factual basis of the claim impeded counsel ability to raise the claim. See McLesky v Zant 1499 U.S. 467, 468 (1991) here the court had no business not filing Plaintiff So argument S9 E motion to alter or amend and sending it back because Plaintiff did not have counsel due to this it impeded Plaintiff ability to raise the claims which where So or more.

furthermore Plaintiff move with objection and state that his May 8th 2015 objection to proposed or in the guise of motion to relieve counsel was not ruled on and defendants did not make a return to it and neither to his May 5th 2015 challenge to the accuracy of transcription of proceedings of September 18 2013, November 20th 2013, September 8th 2014 and April 2nd 2015 hearings, Plaintiff submits that defendants did not make a return and the court did not rule on his S9 E motion to alter or amend the judgment that he had to resend on May 19, 2015 with So arguments because the clerk office of Berkeley county sent it back and that the UPS tracking number is 9114-9014-9645-0108-960177 phone number for tracking inquiries CL-800-222-1811 and that UPS has notified that the Berkeley county court of common Pleas has the documents, Plaintiff move for those So or more arguments to be heard at a hearing and for the court to rule on them, also Plaintiff motion for summary judgment was not ruled on by the court and the respondents did not make a return to it, this motion was filed on April 29th 2015 by the clerk of Berkeley county, Plaintiff moves for a ruling on this motion.

as stated in his May 17th 2015 motion to alter or amend the Judgment Plaintiff's 59 E motion filed May 19th 2015 had all the issues in his first, second and 3rd<sup>rd</sup> amendments to the PCR application with additional arguments as all those issues were initially before the court as to the amended applications before the signing of the order of dismissal, further, those motions were sent in the verbal order of dismissal before the Attorney General even filed a ~~motion~~ proposed order of dismissal and the Judge signing it, see Plaintiff motions was filed May 29 2015 the Judge signed May 1st 2015 and the ~~clerk~~ clerk filed the order of dismissal May 8th 2015, when Plaintiff filed his 59 E motions May 29 2015 the Judge did not make any clear order but this case is dismissed, so thus Plaintiff's 59 E motions of 50 arguments or more sent back to Plaintiff May 29 2015 was before the court and the verbal order of dismissal of May 22 2015 should be altered ~~amended~~ ~~for~~ for error preservation to include Plaintiff's summary Judgment filed May 29 2015 is to be included as this motion was filed before the proposed order of dismissal was filed as this motion was submitted to ~~the~~ the court's verbal dismissal with no reason further Plaintiff motion to relieve counsel moved to relieve Lance S. Boozer as a conflict of interest for working for the South Carolina Attorney General's office before representing Plaintiff and not amending his claims for prosecutorial misconduct by way of perjury for James Courtney solicitor and Jackie Allen Mastantuno solicitor presenting knowing perjured testimony that James Warren Taylor had a tibial fracture knowing that there are no CT scans or X-rays to substantiate those facts deeming the fact that James Warren Taylor had a tibial fracture knowing he did not, the court did not entertain this and Plaintiff moves to alter or amend the Judgment on this issue to appoint new counsel, Applicant motion to interplead the action and release liability under S.C.R.C.P. 22, which allows any person to interplead in a action to release liability, the court did not rule on the basis of this motion, Plaintiff moved to pay off the liability in the action on the debtor ~~ALTON BROS~~ ALTON BROS for the alleged charges of ARSON and aiding escape which are common law offenses and the court denied the motion and did not state any specific facts and "Conclusion of Law" what Plaintiff could not interplead in the action, for preservation issues Plaintiff moves to alter or amend

The Judgment and have the court state its conclusion of law ~~which~~ on the issue of plaintiff interpleading in the ~~the~~ action as well as to plaintiff Rule 24 Motion to interfere in the action, these issues have not been ruled on. Nor has the plaintiff summary Judgment motion as argued in his 59 E motion to alter amend the Judgment ruled on as error preservation issues when plaintiff has brought the fact that the Solicitors Jackie Allen Mastantuno & James Courtnot presented testimony to a Juror ~~knows~~ that James Warren Taylor had a orbital fracture knows that he did not and that defendant didn't have a x-rays or ct scans showing that James Warren Taylor ~~didn't~~ had a orbital fracture, see Plaintiff 59 E motion to alter or amend Filed ~~at~~ May 14th 2017 and exhibits Plaintiff sent to the Attorney General office requesting James Warren Taylor X-rays - ct scans and defendant failed to reply, this evidence shows the solicitor produced perjured evidence at trial and that the case shall be vacated. Plaintiff moves for the court to alter or amend the Judgment.

Plaintiff objects to pg 2812 lines 11 - 15 of the Feb. 13 2017 order of Dismissal of Plaintiff 59 E motion, the applicant abandoned the motion by not providing a copy of the motion to the court within ten days of filing as required ~~by~~ 59 (3) S.C.R.C.P. and by filing a notice of appeal and choosing to proceed with his appeal without ensuring the P.C.R. Judge ruled on the motion, see Plaintiff 59 E motion ~~filed~~ May 14th 2015, May 19 2015, May 1st 2015, April 29 2015 and Plaintiff motion to challenge the validity of the transcript, in all these filings Plaintiff requested in the cover letter to send the Attorney General and Judge Youngs due to ~~the~~ S.C.P.C. denial of costs, as the Berkeley County clerk of court refused to clock date Plaintiff cover letters, and ~~the~~ return the motions to Plaintiff and now Respondents have the audacity to state ~~in~~ in their return that there is no indication from the motion itself that Applicant provided a copy to the Judge within ten days after it was served, Respondents submit that Applicant did not provide a copy of the motion to the circuit court as required by the rules

Plaintiff objects and state that the motions do not only contain a handwritten certificate of service signed by applicant indicating its delivery to the Berkeley County Clerk of Court, Plaintiff submits that the clerk of court failed to check date stamp the cover letter requesting forwarding to Judge W. Jeffrey Young and the Attorney General and due to SCDC refusing to make copies of Plaintiff documents, Plaintiff submits, where governmental interference or the reasonable unavailability of the factual basis of the claim impeded counsel's ability to raise the claim see, M'Lesky v. Zant, 1999, U.S. 467, 468, (1991) or where some other circumstances beyond the applicant control occurred Id at 583. Plaintiff submits that SCDC which is the state has impeded Judge William Jeffrey Young from receiving a copy of the rule 59 E motions and the clerk of court of Berkeley County refused to forward Judge W. Jeffrey Young a copy when Plaintiff has notified the court. In fact Plaintiff brought these issues of SCDC refusing to make copies and provide materials so Plaintiff can adequately serve defendant's his filings, on October 8<sup>th</sup> 2014 before Judge Carter, and Judge Carter denied the motion of injunction on SCDC. Plaintiff move to alter and amend this and move for the court to rule on these issues. Plaintiff submits that the motions for 59 E are on the record and that he has submit the motion to Judge W. Jeffrey Young and the issue of Plaintiff not ~~submitting~~ serving the Judge is a formality beyond his control and is imparted on the government, the fact is Plaintiff timely filed the 59 E motion, Plaintiff filed a notice of appeal on June 2nd 2015 and has filed motions to relieve counsel that was denied in the South Carolina Supreme Court January 15, 2016; October 13, 2016; July 14th 2017; August 16, 2017 on the grounds that Plaintiff counsel Robert M. Pachak is refusing to file for leave in the Supreme Court to have the appeal in abeyance until the lower court rule on the 59 E motions to alter or amend. Plaintiff advised appellate counsel Robert M. Pachak and the Supreme Court of the 59 E motion to alter or amend June 2nd 2015 via letter and told Robert H. Pachak secretary at the Appellate defense ~~and~~ via telephone to have Mr. Pachak to file a motion to hold the ~~motion~~<sup>Appeal</sup> in abeyance so Plaintiff can have his 59 E motion ruled on in the lower court, However, ~~the~~ the

would prove that solicitor Jackie Ailon Mastantuono and James Courtney produced perjured testimony at trial that James Warren Tutler had a orbital fracture when he did not this false evidence polluted the trial and would require reversal and prejudice Plaintiff trial have the Jur know this its a reasonable probability that the Jur wouldnt have convict the Plaintiff Plaintiff move for the court to rule on his grounds for summary Judgment in his 59 E motion to alter or amend filed May 14th 2015, also Pamela Jeanne Polzin committed conspiracy to obstruct justice and sent Plaintiff false subpoena stating that she subpoenaed the documents such as x-rays and discs on a film with the hospital, However the address on the subpoena has the wrong address James Taylor was located at monks corner brydant center, the subpoena has Trident Hospital of N Charleston, Ms. Polzin told Plaintiff that she had the report at scans on a disk and that she couldnt get a doctor to review it, those who lie Plaintiff had his power of atty Ansha Greenes have a doctor write a letter head from Roper hospital and museum of Charleston that would review the report Plaintiff told Ms Polzin this and she allege that it was at her office once at the hearing. Plaintiff move to preserve all issues that has raised in his 59 E motion to alter or amend filed May 14 2015 and does not waive the right to appeal, and a request a hearing, Plaintiff could not call his witness because Lance S Bozler removed them from the court, the issue is that Plaintiff had a right to file a Summary Judgment and moved for summary Judgment and the court abused its discretion in a miscarriage of Justice, See: Either party may move for summary Judgment on the PCR application at anytime, The PCR court may grant such a motion "when it appears from the pleadings, depositions, and admissions and agreements of fact, together with any affidavits submitted, that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law, S.C. Code Ann § 17-27-70(c) (2013) for the court to deny Plaintiff a right to submit evidence and to hear his motion summary Judgment motion was a miscarriage of Justice see a successive application may be permitted where the courts refusal to hear the claim would constitute a miscarriage of Justice. See Rice v. 469 SE2d at 394

Plaintiff submits that the court failed to address the issue of Plaintiff's 59 E motion filed May 14th 2015 concerning summary judgment and moves to alter or amend the judgment

Plaintiff objects the Feb 13, 2017 order of dismissal at pg 2 of 2. The court agrees that the South Carolina Supreme Court currently has exclusive jurisdiction over this matter pursuant to rule 205 of the South Carolina Appellate Court Rules. Accordingly, this court finds applicant's motion must be dismissed.

Plaintiff cites Hudson v. Hudson, ~~The service and filing of a notice of~~ ~~1986~~ The service and filing of a notice of appeal before the filing of a timely post-trial motion under Civil Procedure, rule 59 but any part does not deprive the lower court of jurisdiction to consider the motion. Hudson v. Hudson (1986) 290 S.C. 215, 349 S.E.2d Appeal and error  
④ 428 (2)

I swear under penalty and perjury that the foregoing is true and correct this 28th day of August 2017

~~Slater Brown~~  
ANTHONY BROWN 313000  
PCA  
430 oaklawn rd  
Petersburg 29169

(P 518)

Exhibit

EXHIBIT A

---

appellate defense thereafter cut Plaintiff phone calls off and prevent Plaintiff from calling the appellate defense, as Plaintiff is restricted from calling Robert M. Pachalk, due to the Supreme Court not exceeding Plaintiff Prose Filings has impeded by Governmental intrusion,

Plaintiff objects to the above and state that he has not proceed with his appeal and that Plaintiff has moved for a hearing on the 59 E motion on several occasions and that he has not abandoned the motion as his letters to the Supreme Court of South Carolina and to Judge W. Jeffrey Young shows that he has not abandoned his 59 E motions as the Per Judge and the Attorney General's office has not scheduled a hearing timetable on the issue when the Attorney General's office and the Berkeley County clerk was served with the 59 E motion, since the court has the 59 E motion and it's on the record the court should alter or amend its judgment is the issue of service of process is moot and the court being served with the motion is moot as all these issues are beyond the applicant control.

Plaintiff objects to the February 13, 2017 order dismissing Applicant's motion to alter or amend at pg 2 of 2 lines 14-15, the motion is without merit because the Plaintiff court properly dismissed the PCR application due to Applicant's failure to prosecute, Plaintiff objects and states that he did not fail to prosecute and that the court failed to uphold the integrity of court and abide by the South Carolina rules of civil procedure, Rule 56, 22, 24 etc by not entertaining the motion of Summary Judgment motion to relieve shackels, motion to relieve shackels, motion to relieve counsel, motion to intervene and motion to interplead in a miscarriage of justice, Plaintiff was not allowed to call his witnesses, Asha Greene Shauntara Brooks etc and was not put on notice of the hearing, Asha Greene advised that lance S Bozer removed her from the court and when she went to come into court the case was dismissed, ms. Greene would have testified that she sent the Attorney General of South Carolina a letter of inquiry certified mail and requested James Warren Taylor x-rat of scan shows he had a orbital fracture and that the Attorney General's office Ashleish Batana Wilson never responded, see May 14 2015 motion to alter or amend exhibit A + B and that there is no x-rat and ct scan that show James Warren Taylor had a orbital fracture, this testimony



**MARY P. BROWN**

**CLERK OF COURT**

Common Pleas Court  
Post Office Box 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219  
843-719-4400 843-567-3311 843-723-3800

TO: Altony Brooks # 313000

FROM: Clerk of Court, Berkeley County, South Carolina

RE: Motion 2011-CP-08-2266

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

(1)  Needs Proof of Service/Non-service

(2)  Insufficient amount of filing fee.

Correct amount: \_\_\_\_\_

(3)  Requires original signature.

(4)  Not a Berkeley County Case.

(5)  Venue change to: \_\_\_\_\_

(6)  Check or Money Order must be made payable to Clerk of Court.

(7)  Check not signed.

(8)  Copy - must file original.

(9)  Other You must submit through your attorney, Mr. Boozer.

MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

15 APR 29 AM 11:52

FILED

X

Please make the necessary correction (s) and return.  
Thank you for your assistance.

Exhibit B



**MARY P. BROWN**  
**CLERK OF COURT**

Common Pleas Court  
Post Office Box 219  
MONCK'S CORNER, SOUTH CAROLINA 29461-0219  
843-719-4400 843-567-3311 843-723-3800

TO: Altony Brooks SCCC # 313000

FROM: Clerk of Court, Berkeley County, South Carolina

RE: Motion

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

- (1)  Needs Proof of Service/Non-service
- (2)  Insufficient amount of filing fee.  
Correct amount: \_\_\_\_\_
- (3)  Requires original signature.
- (4)  Not a Berkeley County Case.
- (5)  Venue change to: \_\_\_\_\_
- (6)  Check or Money Order must be made payable to Clerk of Court.
- (7)  Check not signed.
- (8)  Copy - must file original.
- (9)  Other You still have an Atty. Please submit this through Mr. Boozer. Thank you

MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, SC

2015 MAY -1 PM 1:50

FILED

Please make the necessary correction (s) and return.  
Thank you for your assistance.

# Exhibit C

Letter <sup>From</sup> ~~to~~ Judge <sup>vs</sup> ~~of~~ Jeffrey Young  
~~reporting~~ stating he didn't receive the  
S9E motion from his clerk



State of South Carolina  
The Circuit Court of the Third Judicial Circuit

W. JEFFREY YOUNG  
JUDGE

215 NORTH HARVIN STREET  
SUMTER, SOUTH CAROLINA 29150  
TELEPHONE: (803) 436-2152  
FAX: (803) 774-6159  
E-MAIL: [wyoungj@sccourts.org](mailto:wyoungj@sccourts.org)

Tina M. Christmas  
Administrative Assistant

October 14, 2016

Mr. Altony Brooks, 313000  
McCormick Correctional Inst.  
386 Redemption Way  
McCormick, SC 29899

Re: Motions  
Case No: N/A

Dear Mr. Brooks:

Our office has had communication with the Clerk of Court's office concerning your correspondence to our office. Per their research of your file, there have been no Motions to Alter or Amend, nor any Motions for Reconsideration filed with the Berkeley County Clerk of Court in your case.

Sincerely,

A handwritten signature in cursive script that reads "Tina M. Christmas".

Tina M. Christmas  
Administrative Assistant  
S.C. Judicial Department for  
Judge W. Jeffrey Young

/tmc

EXHIBIT D

Plaintiff Reception of Denial of  
S9 E motion to alter or  
Amend Judgment

Received Aug 21st 2017

Marl P Brown Clerk of Court  
300 California Ave  
Monks Corner SC 29461

RE case 2011-CP-082266 PCL

Dear Ms. Brown,

Enclosed please find a letter requesting the judgment of the case and forwarding to Judge Jeffrey Young and a copy of the order, order of dismissal in this case, please file those documents and send a copy to me as Daniel Showhouse, had advised that I represented myself and in these instances all documents shall be sent to me, also my motion to relieve counsel dated ~~and~~ filed 10/14/2015 was never ruled on, please send me a clocked date stamp copy showing me those documents where filed

S. Anthony Brink  
Anthony Brink 263008  
Perry Correctional DX8  
430 oaklawn rd  
Pebler S.C. 29469

October 14th 2015

MAILED  
CLERK OF COURT  
BERKELEY, CALIF. 94710

2015 OCT 20 PM 3:03

FILED

Alton Brooks  
Perry Correctional  
436 Oaklawn Rd  
Pelzer, S.C. 29669

FILED  
2015 OCT 20 PM 3:04  
MARIA G. GONZALES  
CLERK OF COURT  
BERKELEY CALIFORNIA S.C.

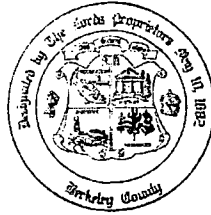
RE: Alton Brooks v. State  
Appellate case 2015-001610  
Lower court case No 2011-CP-88-221610

Dear Mrs. Brown,

I've filed a 39 E Motion to alter or amend the Judgment of the above case on May 8 2015 and the court filed it on the 14th of May 2015, in this instance as provided by rule 77(D) the court has never served me with any final order of dismissal clocked date and stamped placed in the file by the court, served to me, the court has never sent me copies showing that my 39 E motion sent to the court on May 19-2015 consisting of 50 arguments or more, with UPS tracking # and receipt # 9114-9014-9645-0108-960177, (phone # for tracking inquiries (1-800-233-1811)) as that have notified its been sent. Moreover, I haven't received a final order from the court at all.

I'm located at the above address and request that you forward this letter to Judge Jeffert Young, as from my knowledge he has not made a ruling and I have not been served with a order adjudicating the merits of this action. See Upchurch v. Upchurch 367 S.C. 164, 367 S.C. 2006 Bowman v. Richland Mem Hosp 335 S.C. 88, 41 S.C. 259, 360, Ct App 1999 the moment . . . the order is ~~made~~ filed by the clerk of court, ~~the order is made and it becomes~~ it becomes the judgment of the court and fixes the right of the parties, see Atcher v. Long 40 S.C. 272, 275, 24 S.E. 83, 84, (1896) stated otherwise. The effective date of an order is not when it is signed by the judge, but when it is entered by the clerk of court. See rule 77 D scarp states that immediately upon the entry of an order or judgment the clerk shall serve a notice of entry by first class mail upon every party thereby who is not in default for failure to appear, and shall make a note in the in the case file or docket sheet of mailing. I have not received any orders by any parties of this actions please contact me and advise me of the disposition of this case and forward this letter to Judge Jeffert, Young. Thank you Alton Brooks

October 14th 2015



**MARY P. BROWN**  
**CLERK OF COURT**  
**BERKELEY COUNTY**  
 POST OFFICE BOX 219  
 MONCK'S CORNER, SOUTH CAROLINA 29461-0219  
 (843) 719-4400 (843) 567-3311 (843) 723-3800

**FILED**  
 OCT 27 2015  
 CASE NO. *[Signature]*  
 MARY P. BROWN CLERK OF COURT  
 BERKELEY COUNTY, SC

TO: Altony Brooks # 313000  
 RE: 2011-CP-08-2266

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

- This document is not signed / notarized
- The filing fee is insufficient. The correct amount is \_\_\_\_\_
- This document is a copy. We must have original.
- This is not a Berkeley County case
- The check or money order must be made payable to the Clerk of Court.
- The case is ended. Date ended: \_\_\_\_\_  
Reason Ended: \_\_\_\_\_
- Your Check must be signed. \_\_\_\_\_ Stale dated check
- Inmate litigation must comply with S.C. Code of Laws, Title 24, Chapter 27
- There is not a case listed in our system that matches this caption.
- The required **new case** coversheet is not included.
- The required **motion/order** coversheet is not included.
- The required **order (Form 4)** coversheet is not included.
- Information may be obtained from our web-site at [www.berkeleycountysc.gov](http://www.berkeleycountysc.gov).

Other A Copy of Dismissal - per your request

*you must send out your own copies.*

Please make the necessary corrections and return this document for filing.

Thank you for your assistance.

Staff Initials *YW*

Date 10-26-15

## Exhibit E

Showing that plaintiff received the  
order dismissing his 59 E motion to  
alter or amend judgment on September 11, 2017



U.S. POSTAGE >>> PITNEY BOWES



ZIP 29461 \$002.03<sup>0</sup>  
02 1W  
0001398857 SEP 05 2017

**MARY P. BROWN**  
Clerk of Court, Berkeley County  
P.O. Box 219  
Moncks Corner, SC 29461-0219

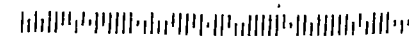
Return Service Requested

CP-05

BX7

Altony Brooks #313000  
PCI  
430 Oaklawn Rd  
Pelzer SC 29669

SEP 5 2017





**MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY**

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

BERKELEY COUNTY, S.C.  
MARY P. BROWN  
CLERK OF COURT

17 AUG 15 AM 11:54

**FILED**

TO: Altany Brooks #10 # 313000  
RE: 2011-CP-08-2266

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

- This document is not signed / notarized
- The filing fee is insufficient. The correct amount is \_\_\_\_\_
- This document is a copy. We must have original.
- This is not a Berkeley County case
- The check or money order must be made payable to the **Clerk of Court**.
- The case is ended. Date ended: \_\_\_\_\_  
Reason Ended: \_\_\_\_\_
- Your Check must be signed. \_\_\_\_\_ State dated check
- Inmate litigation must comply with S.C. Code of Laws, Title 24, Chapter 27
- There is not a case listed in our system that matches this caption.
- The required **new case** coversheet is not included.
- The required **motion/order** coversheet is not included.
- The required **order (Form 4)** coversheet is not included.
- Information may be obtained from our web-site at [www.berkeleycountysc.gov](http://www.berkeleycountysc.gov).

Other Copy of the order dismissing your motion filed on 2/13/17  
Please make the necessary corrections and return this document for filing.

Thank you for your assistance.

Staff Initials gn

Date 8-15-17