

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY  
GENERAL SESSIONS COURT

RECEIVED

William P. Keesley, Circuit Court Judge NOV 29 2017

SC Court of Appeals

Case No.: 2017-002283

State

Respondent

v.

Perry Drake Gilmore Jr.

Appellant

CORRECTED DEFICIENCIES OF NOTICE OF APPEAL

(1) Date Received Written Entry of Order of my Motions For Reconsideration of Sentences and To Withdraw Pleas: On or after October 20, 2017 (I filed the envelope which enclosed said order with my Notice of Appeal; it was stamped "Received October 20, 2017" by the South Carolina Department of Corrections. It is herein incorporated by reference);

(2) Issues To Be Raised On Appeal & Factual Basis: (1) When I tried to plea no contest, but mentally ill judge said there's no such thing; (2) Assistant Solicitor Bradley Pogue ("Pogue") said the victims said things & recommended sentences which weren't sworn nor said by victims themselves in court; (3) In light of mitigating circumstances I asserted before sentencing & in ~~Motions & hearings~~ for reconsideration & To Withdraw Pleas Judge sentencing me to max on every charge I pled to and denying reconsideration was abuse of discretion; (4) Said hearings weren't impartial or fair because there was personal motivation for retaliation where I had a pending lawsuit against Pogue in Federal Court (formerly Gilmore v. Pogue CIA No. 5:18-cv-01880-CMC-KBW) for him violating my constitutional rights not to be held to answer for crimes without present/indict, -ment of a Grand Jury within track & because judge/Pogue violated other rights; (5) I moved for M'Naughten evaluation & notified court & Pogue therein I'd be pleading "but mentally ill," but same was never heard nor ruled upon; (6) On sentencing sheets Pogue indicated he wasn't making recommendations, but did; (7) I was held to answer for crimes without present/indict, -ment for over 90 days prior to pleading violating constitutional rights against such & constituting false imprisonment &/or gross negligence torts & kidnapping crimes starting on 91<sup>st</sup> day of being held to 9/22/17 (day before waived presentment); (8) Judge improperly adopted recommendations of victims/Pogue despite above-said & "hindsight" indential cannot be accepted; (9) I filed a Motion to Exclude Judge Keesley & Pogue from the hearing & ruling of my Motions for Reconsideration & To Withdraw Pleas for above-said reasons before same but it was never heard nor

ruled upon & they still participated; (10) The victim of the Hit & Run ~~for~~ her victim's advocate & for Pogue submitted a letter in the plea hearing stating she developed Carpal Tunnel Syndrome as a "direct" result of the accident even though such can only be developed over time from repetitive movement (see *Pee v. Avon, Inc.* No. 25560 (S.C. S.Ct.) (Nov. 25, 2002) (Shearhouse Adv. Sh. No. 39) (Carpal Tunnel Syndrome results from repetitive action). Fraud was committed, there should've been impeachment & exclusion of guilty parties, & introduction and consideration of such was prejudicial & improper as was any recommendation of sentence & adoption ~~of~~ thereof based thereon; & (11) all other "issues" & "supporting facts" stated as 'reasons for exclusion' in said Motion To Exclude (incorporated herein by reference) & others not previously or herein mentioned (entire record & transcripts of lower court incorporated herein by reference);

(3) Argument: All the above violate the state and federal constitutional Due Process & Equal Protection Clauses;

(4) Citation To Legal Authority: (1) S.C. Code of Laws §17-27-80 ("The Court shall make specific findings of fact and state expressly its conclusions of law relating to each issue presented"); (2) *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E. 2d 742 (2000) (right to review, right to impartiality, fairness, no abuses of discretion, no arbitrariness, no caprice, & to specific findings of fact & conclusions of law, etc); (3) S.C. Code of Laws §15-75-60 (giving right to sue persons falsely asserting authority of law, so if a clerk of Court rules & for rules on my appeal instead of a judge, or if a judge rules against me based on false assertions, this gives me right to sue) ~~\_\_\_\_\_~~; (4) I request "de novo" review; because I'm requesting such, I don't need to cite "caselaw" or "statutory law." I only need to cite the "constitutional" rights that I believe are violated. They are Art. I §3, S.C. Constitution & Amend. VI, U.S. Constitution (NOTE: Counsel will correct any other deficiencies once appointed).

November 22, 2017

CERTIFICATE OF SERVICE  
This certifies I this day served a copy of this on all parties to this appeal via mail.

s/ Perry Gilmore  
Perry Gilmore #344879  
P.O. Box 2039  
Ridgeland, SC 29936  
(APPELLANT)

OTHER COUNSEL

Alan Wilson, Atty-Gen.  
P.O. Box 11549  
Columbia, SC 29211

(RESPONDENT)

RE: State v. Gilmore, Appellate Case No. 2017-00283

Dear Clerk:

Please find enclosed for filing in above-referenced case my Motion to Enlarge Time & Correction of Deficiencies of Notice of Appeal.

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NOV 29 2017  
SC Court of Appeals

CC: Alan Wilson, Respondent

November 22, 2017  
Ridgeland, SC

Perry Gilmore  
Perry Gilmore #344879  
P.O. Box 2039  
Ridgeland, SC 29936  
(APPELLANT)

Kerry Gilmore #344879

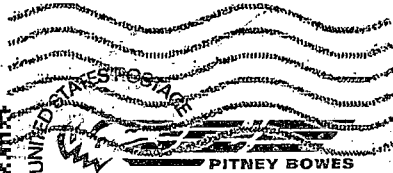
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P.O. Box 2039

Ridgeland, SC 29936

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INSTITUTION

NOV 27 2017

Mailroom

S.C. Ct. of Appeals

Clerk

P.O. Box 11629

Columbia, SC 29211

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