

IN THE STATE OF SOUTH CAROLINA

In The Supreme Court

**APPEAL FROM THE GREENVILLE COUNTY
Court of Common Pleas**

Perry H. Gravely, Circuit Judge

**Appellate Case No. 2017-002092
Lower Court Case No. 2015-CP-23-04747**

Jose Alberto Maldonado, # 312648, Petitioner,

v.

The State of South Carolina, Respondent.

RECORD ON APPEAL

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Counsel of Records**

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I N D E X

RECORD ON APPEAL
CONTENT OF APPENDIX

EXHIBITS: (1-of-21)

1). Appendix.:(A)(1)(Report Pages 1):

The Supreme Court's November 02, 2017, ORDER of 15-days deadline, the Petitioner filed an Explanation Requirement. Towards the October 17-25, 2017 Motion, and the October 20 - 23, 2017. First ORDER, pursuant to Rule 243(c), SCACR. Thereby, this Court correct the issue in this, Civil Case Action Number. And discovered the correct Case No. 2015-CP-23-04747. See: (ROA).....(i-of-iii)

2). Appendix.:(A)(2)(Report Page ii):

The Supreme Court's letter from October 31, 2015; in respond to Petitioner his issued letter from October 17, 2017. Therefore, it is the Appellate Case Involves Petitioner "Notice of Appeal, in 2015-CP-23-04747. See: (ROA).....(ii, & iii)

3). Appendix.:(A)(3)(ROA, Report Pages 1 through 8):

The Petitioner's filed information to this Court from October 25, 2017, "above-captioned his ORIGINAL CIVIL CASE NUMBER 2015-CP-23-04747, that him would be citing in his PETITION FOR WRIT OF CERTIORARI TO REVIEW AN ALTERNATIVE PETITION FOR STATE HABEAS CORPUS IN POST-CONVICTION RELIEF ACTION", within of (attachments: "E-I through E-IV."). See: (ROA).....1 - 8

4). Appendix.:(B)(Report Pages 1 through 4):

The October 20 - 23, 2017 Court's ORDER, under the Rules, Rule 243(c), and 267, (SCACR), with the presided judge's letter, within the clock-stamped October 12, 2017. This, Court (attached) with the ORDER. See: (ROA).....9 - 12

5). Appendix.:(C)(Report Pages 1 through 10):

The Petitioner's Timely for Appeal, within the (attachments: A through C), included the S.C. Court of Appeals, ORDER, issue filed with this Court under the Rule 204(a), SCACR, October 11, 2017. See: (ROA).....13 - 22

6). Appendix.:(D)(Report Pages 1 through 16):

The Petitioner's cover sheet to Notice of Appeal, within the Petition for Abeyance. See: (ROA).....23 - 38

Exhibits, 7-of-8:

7). Appendix.:(E)(Report Pages 1 through 55):

The Petitioner's Amendment of Rule 59(f), SCRPC, Motion of (PCR. Act.) application, the Order Granting Applicant's Rule 59(e) In Supp. of Rules, Rule 59(b), & 60(b), (SCRPC); within an (attachments: A through F), that "attached: (A)" is the January 24, 2006 letter from his defense counsel, (A "FALSED SEALED INDICTMENT, INFORMATION HE RECEIVED BY TRIAL COUNSEL"); (Attached: (B), the Petitioner, respond to an other "case No. 2013-CP-23-0432," from lower court had been introduced against my name); (attachments: (C), & (D), the records of same matter by the lower court's clerk, over again with such wrong case number against the ("ORIGINAL PCR. ACTION'S CASE NUMBER"); the (attached: "E - IV" is the proof that wrong case number has been exchanged by the lower court between the ("AG's Office")'s "Case No. 2015-CP-23-04757"). See: (attachments: F-1, and F-2, the ORDER, with unsigned judgment from September 1, 2017. When the Hon: Perry H. Gravely judge denied the Rule 59(e), SCRPC. See: (ROA).....39 - 92

8). Appendix.:(F)(Report Pages 1 through 128):

The Motion of Rule 59(e) SCRPC, within the (attachments: A through Q), the "attachments: A, & B, there is the former PCR. Case Number's evidence"); ("attachments: C-1, & C-2, the Appellate Case No. 2016 - 001274, Opinion No. 2017-UP-209"); ("Attached: C-1 through 10, there's the (SCDC) Respondent Final Brief"); ("attached: D-1 through 5, there, is the Petitioner, "unsigned the Plea Agreement"""); ("Attached E-1 through E-6, there is the cover sheet from the MOTION OF OBJECTION/AN A CONDITIONAL ORDER OF DISMISSAL, and DEFAULT JUDGMENT, to "STRIKE" the Case No. 2015-CP-23-04757's clock-stamped was from April 13, 2017"); ("attached: "E" there, is the first evidence the Petitioner discovered that, the Repondent's wrong case number"); ("attachments:(F-1 and F-2) the PCR.A ction's Number the Applicant was introduced of evidence"); that, ("Attachments: G-1, through G-3, there, is the "Final Order of Dismissal," from May 14, 2014"); ("attachments: H-1 through H-10, the alteration of Petitioner 3rd PCR. Action's "Transcript of Record, into the court hearing, from October 25, 2013"""); ("attachments: I-1 through I-3, the unsigned judgment ORDER denying Motion for Default, filed on November 8, 2013"); ("attachments: I-1, & I-2, the ORDER DENYING MOTION TO ALTER OR AMEDED issue on April 9, 2014"); ("attachments: J-1, & J-2, the Affidavit of Truth, issue on April 17, 2014"); ("attachments: K-1 through K-4, the Return to Motion To Alter or Amend the Order Denying the Motion for Default, issued on January 15, 2014"); ("attachments: L-1 & L-2, the Affidavit of: Affiant, issued on Nov. 21, 2013"). Hereby, the ("attachments: M-1 through M-21, there is the Petitioner's "Transcript of record in the General Sessions Court's Case No. 2005-GS -47-0026, the Petitioner's Guilty Plea Hearing from August 22, 2006"); ("attachments: N-1 through N-12, there is the Petitioner's "Transcript of records of that General Sessions Court Case 2005-GS-47-0026," Sentencing hearing from April 10, 2007"); ("attachments: O-1 through O-4 , the correct information to a ("second offense"), unde Section 44-53-375(C)(2)(b)"); (attachments: P-1 through P-4, that wrong information

against Petitioner's Guilty Plead, between his counsel, and the "AG's office"; ("attached: Q", the "unsigned the Civil Case Action's Judgment"); and the ("attachments: Q-1 through Q-3", there is the FINAL ORDER OF DISMISSAL," entered in the lower court July 21, 2017"). See: (ROA).....93 - 220

Exhibit, 9-of-11:

9). Appendix.:(G)(Report Pages 1 through 78):

The OBJECTION TO MOTION OF RETURN AND RESPONSE TO MOTION OF DISMISSAL/AN A CONDITIONAL ORDER OF DISMISSAL, and the REQUEST FOR DEFAULT JUDGMENT/AN A ORDER TO STRIKE case No. <2015-CP-23-04757>, pursuant to the Rules, Rule 12(a)(b), & (f), 55(a)(c)(b), (SCRCP). When as Law Sanction: The "AFFIDAVIT OF TRUTH" against in the first time the wrong case i number, see the ("attachments: "E", Petitioner raised ot all time, inevidence through "E-III", including that, ("Attached A-I"), to been used for "Newly Discovered Evidence", that State Grand Jury issued on: April 17, 2015"); (attached: A-II, there is the former prosecutor, ("FRAUDULENT MEMORANDUM OF RECORD REPORT"), that (AG's Office fabricated), against the Petitioner, with such case No. 2005-GS-47-26, issue dated April 13, 2007"); within the fraudulent report of ("attachments: A - I through A-11, report of records, sentencing sheets, Warrants, and indictments"); see ("attached: A-6, the Return and Memorandum in Support of Motion for Summary Judgment, its information, when that "State Grand Jury indicted, the Petitioner at December 13, 2005," see at C/A No. 8:11-1372-TLW-JDA,"); see ("attachments: B-I, and B-II, in comparison, the "REPORT AND RECOMENDATION OF MAGISTRATE JUDGE," at, judge's report to Petitioner have been indicted on "February 22, 2006" thereby, not match with each other indictments, its indictments, from December 13, 2005, and February 22, 2006, including, ("Count-2, & Count-3"); see at Case, No. 8:11-1372-TLW-JDA Habeas Corpus Petition"); see that, ("indictments in this matter," ("attachments B-1 through B-4"); ("attachments: C-I, & C-II, there is the sentensing sheets at C/A#:2003-GS-23-4547, Warrant C/A#:G-803304"); ("attachments C-1 through C-6, that: Records to first sentencing's indictments, with the Warrants"); ("attached: D-I, the summons"); and ("attachments: E-I through E-III, there is the first report to Petitioner introduced in evidence with the lower court above his original (PCR. Act.) application's Case No.2015-CP-23-04747," and also Petitioner introduce evidence within ("Attachments: E-1 through E-5, with the "ADMINISTRATIVE LAW JUDGE's ORDER", from May 20, 2016. See: (ROA).....221 -296

10). Appendix.:(H)(Report Pages 1 through 10):

The "RETURN AND MOTION TO DISMISS." From March 8, 2017.
See: (ROA).....297 - 306

11). Appendix.:(I)(Report Pages 1 through 11):

The unsigned JUDGMENT, and CONDITIONAL ORDER OF DISMISSAL.
From March 13, 2017. See: (ROA).....307 - 317

Exhibits, (12-of-18)

12). Appendix.:(J)(Report Pages 1 through 11):

The Cover Sheet of July 31, 2015 PCR. Action's Case No. 2015-CP-23-04747. With a Copy from the ORIGINAL FORM of Petitioner's (4th) (PCR. Act.), application, had been (Docket) on: July 31, 2015. Including (attachments: Post Conviction Relief Action. (INDEX)). See: (ROA).....318 - 328

13). Appendix.:(K)(Report Pages 1 through 11):

The MOTION TO ADDRESS ALL ISSUES. See: (ROA)..329 - 332

14). Appendix.:(L)(Report Pages 1 through 27):

the "INITIAL BRIEF IN SUPPORT OF THE APPLICATION FOR POST CONVICTION RELIEF, ALTERNATIVE PETITION FOR STATE HABEAS CORPUS." filed dated of December 22, 2016. See: (ROA)...
.....333 - 359

15). Appendix.:(M)(Report Pages 1 through 21):

The "AMENDMENT TO POST - CONVICTION RELIEF APPLICATION issued under the Rule 15(a)(b), SCRCP," filed on January 25, 2017. See: (ROA).....360 - 380

16). Appendix.:(N)(Report Page 1):

The "SUMMONS" against the Respondent in "DEFAULT JUDGMENT", within 20-days, to answer the (4th PCR. Action), issued on January 25, 2017. See: (ROA).....381

17). Appendix.:(O)(Report Page 1 through 5):

The "Case No. 2015-CP-23-04747's MOTION TO ALLOW TRANSFER AND CONSOLIDATE CASE. Pursuant to Rule 42(a), SCRCP . Between of "MOTIONS, OF RULE 60(b), SCRCP." In that, Pending Motions, with the "General Sessions Court." Issue dated on January 25, 2017. See: (ROA).....382 - 386

18). Appendix.:(P)(Report Pages 1 through 51):

The Greenville County General Sessions, clock-stamped of Jose Alberto Maldonado, Defendant's filing. "Cover Sheet from March 23, 2015", below the "Motion for Counsel and Interpreter", "Post - Conviction Motion Pursuant the True Bill", "Notice and Motion To Set Aside or Vacate Judgment Pursuant To Rule 60(b)(5)", "memorandum of Law In Support of Motion To Set Aside of Vacate Judgment", "Affidavit" and (Attachments: "A through D"). See: (ROA).....387 - 437

Exhibits, (19-of-21).

19). Appendix.:(Q)(Report Pages 1 through 34):

The Greenville County General Sessions, clock-stamped, of Jose Alberto Maldonado, Defendant's filing, "Cover sheet from May 26, 2015, below, the "Notice of Motions", "Motion To Supplement the Pleading", "Motion To Reopen Judgment with Memorandum of law", and (Attachments: "A-I", there is the first evidence that Defendant presented with the lower court, for 'Newly Discovered Evidence' "it is, the April 17, 2015" facts, to "State Grand Jury"); see (attachments: "(B) through (D)", that full information of discovery in this matter, by an ("attached: A-I"). See: (ROA)..
.....438 - 471

20). Appendix.:(R)(Report Pages 1 through 24):

The Greenville County General Sessions, clock-stamped, of Jose Alberto Maldonado, Defendant's filing. Cover Sheet from "July 31, 2015", below, the "Notice of Summons and Complain", and "Amending Complaint". See at (Attachments: (A), "it is, the "state grand jury evidence, that, defendant amended for reopend judgment with the general sessions court term, issue in the lower court "July 31, 2015". The lower court, issued a "letter, and failed to issued a "ORDER" to the Attorney General's assistant Karen Ratigan," but in the letter to "Honorable, D. Garrison Hill judge", said to ("AG's assistant"), to "review and take whatever action she deem appropriate". See: (ROA),.....
.....472 - 495 and

21). Appendix.:(S)(Report Pages 1 & 2):

The Jose Alberto Maldonado's Cover Sheet letter of Motion on him issue and filed with the ("SLED")'s office on July 27, 2015, to "Notice of Motions and Complaint," and that "Amending Complain." But the (SLED), return such Motions August 10, 2015, and this letter, stated that: The "office does not ("approve, sign") and direct my files to/or filed it to the General Sessions Court Term." Further, this letter enter on the record. See: (ROA).....
.....496 - 497

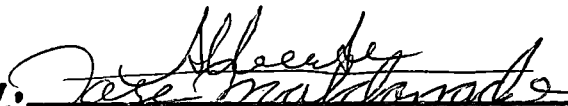
The undersigned hereby certifies that the Record on Appeal contain all material proposed to be included by any of the parties and not any other material.

PETITIONER OBJECTS TO ANY AND ALL DOCUMENTS RESPONDENT PROPOSED TO INCLUDED INTO THE RECORD ON APPEAL WHICH WERE DUPLICATED OF THE SUBMITTED RECORDS THE PETITIONER FILED WITHIN THE LOWER COURT.

THEREBY, THE RESPONDENT REFILED IN RETURN, YET DID NOT HAVE JURISDICTION TO THE GENERAL SESSIONS COURT TERM, AS TO INTRODUCTION OF RESPONDENT'S CASE NUMBER: 2005-GS-47-0026. AS IT PERTAINS TO PETITIONER.

Respectfully, Submitted

December ____, 2017.

By, 
Jose Alberto Maldonado, # 312648
The Petitioner, Pro - Se

Kershaw Correctional Institution
Magnolia, B/Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067

IN THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM THE GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Judge

Appellate Case No. 2017-002092
Lower Court Case No. 2015-CP-23-04747

Jose Alberto Maldonado, # 312648, Petitioner,

v.

The State of South Carolina, Respondent.

PETITIONER'S CERTIFICATE OF SERVICE
BY THE RULES, RULE 210(a), & 243(d), SCACR

That, undersigned the Petitioner pro - se, does hereby certifies that, the PETITION FOR WRIT OF CERTIORARI'S RECORD ON APPEAL, EXHIBITS: (1 through 21); and "APPENDIX's EXHIBITS: (1 through 17), that on today Petitioner mailed a copies to Respondent, addressed as follows: Megan H. Jameson, AG's Office, 1000 Assembly Street Rembert Dennis Building Post Office 211549 Columbia, South Carolina 29211

Further, Petitioner complies with Rule 267(b), SCACR. And also with the South Carolina Supreme Court's April 15, 2017, ORDER. Entitled "Revised Order Concerning Personal Identifying Information" and other "Sensitive Information with the Appellate Court filings." As for this Original Certificate of Service File To:

In the Supreme Court
Honorable Daniel E. Shearouse
Clerk of Court

Post Office Box 11330
Columbia, South Carolina 29211

Respectfully, Submitted

By, Jose Maldonado
Jose Alberto Maldonado, # 312648
The Petitioner, pro - se

SWORN to and SUBSCRIBED Before Me
This 5th day of December, 2017

Catherine A. Arroyo
NOTARY Public For SOUTH CAROLINA

My Commission Expires: _____
~~My Commission Expires December 22, 2018~~

Kershaw Corr. Inst. MB/Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067

Further, Petitioner said and Not:

This 5th day of December, 2017.