

Corey Williams #259070
TRCI unit 11/223
200 Prison Road
Enoree, SC 29335

THE SUPREME COURT of SOUTH CAROLINA
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, SC 29211

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DEC 29 2017

S.C. SUPREME COURT

RE: Case No. 2017-002491

Dear Clerk:

Please find enclosed Petitioner's "EXPLANATION PURSUANT TO RULE 243 (c), along with supporting facts and exhibits to be stamped and filed with your office.

Respectfully Submitted

s/ *Corey Williams* #259070
Corey Williams #259070

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

Post Conviction Relief

Cordell Maddox, Jr. Presiding Judge

Appellate Case No. 2017-002491

Corey Williams,.....Petitioner,

vs.

State of South Carolina,.....Respondents.

EXPLANATION PURSUANT TO RULE 243 (c)

In the present matter Petitioner asserts that the Lower Court was rendered without jurisdiction in violation of the Double Jeopardy Clause.

The Order fails to state the facts as alleged by the Petitioner, in that 1.) A mistrial was declared in the Jury Trial of Petitioner's Murder Case on June 10, 1999. The prosecution nolle prosecuted the original indictment number 1999-GS-04-808, which the mistrial was declared upon. Subsequently reindicted the Petitioner on a new indictment, 2000-GS-04-227 on January 11, 2000 for the murder charge. Thus, superseding the original

indictment rendering it void. 2.) On December 11, 2013, the petitioner received Notice from the Clerk of Court in Anderson County that indictment number 2000-GS-04-227, was also nolle prosequied. Due to this Classification within SCDC informed the Petitioner that he was committed upon indictment 1999-GS-04-808, which had been voided.

Therefore rendering the lower court without jurisdiction Mackey v. State 595 S.E.2d 241 (S.C. 2004), " All proceedings following an entry of nolle prosequi are void and the indictment nolonger is valid ". Further, a nolle prosequi prevents a trial court of jurisdiction. In Re Brwon, 294 S.C. 235, 363 S.E.2d 688 (1988).

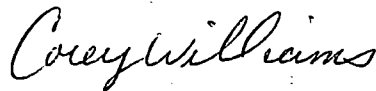
Lack of Jrisdiction can be raised at any time whether on appeal or PCR, State v. Munn, 259 S.C. 256, 191 S.E.2d 520 (1972), which is precisely what the Petitioner is claiming, and the matter of committment on a void indictment not only raises this issue but also is one that could not have been known at the time of any previous application and constitutes "newly discovered evidence " pursuant to Aice v. State 305 S.C. 448, 409 S.E.2d 392 (1991), quoting S.C. Code § 17-27-90, See Also Reed v. Ross 1044 S.Ct. 2901 (1984).

Thus, Petitioner asserts that there is facts alleged that are present and establish an exception to either the prohibition against successive applications, or the statute of limitations, and those facts are not conclusively refuted by any record and have been misrepresented in the Final Order of record before this Honorable Court, that a question of fact is raised as to the

court's jurisdiction and can only be resolved by a hearing. McCoy v. State 401 S.C. 363, 737 S.E.2d 623 (2013).

Wherefore, the Petitioner seeks from this Honorable Court an Order to remand the matter back to the lower court for a evidentiary hearing on the matter to preserve the issue for review, where the Petitioner filed a timely 59(e) motion in accordance to the Rules of Civil Procedure addressing the Final Order's omission, as to the facts alleged, (see attached exhibits), Hudson v. Hudson 290 S.C. 215, 349 S.E.2d 341 (1986) " In the event a timely post trial motion is filed under rule 59, simultaneously with subsequent tot he filing of Notice of Appeal, the Appeal should be dismissed **without prejudice**. Any party can appeal within ten (10) days after the order disposing of the post trial motions. "

Respectfully Submitted


Corey Williams

200 Prison Road U-11, 223

Enoree, S.C. 29335

C.C. File

Lindsey Ann McCalister, Esquire

**CERTIFICATE OF
SERVICE**

I, Corey Williams, hereby certify that I have served the Clerk of Court and the Respondents with the Petitioner's "EXPLANATION", This _____ day of _____, 2017, by depositing in the United States Mail the same, addressed as follows:

Lindsey A. McCallister, AAG
SC Attorney General's Office, PCR Division
Post Office Box 11549
Columbia, SC 29211-1549

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S.C. SUPREME COURT

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Daniel E. Shearouse, Clerk of Court
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Columbia, SC 29211

Respectfully Submitted

s/ _____

Corey Williams #259070
TRCI unit 11/223
200 Prison Road
Enoree, SC 29335

FILED CLERK'S OFFICE
ANDERSON SC

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COMMON PLEAS AND
GENERAL SESSIONS

Corey L. Williams #250970
Tyger River Corr. Inst.
200 Prison Road U-11, Rm 223
Enoree, SC 29335

November 27, 2017

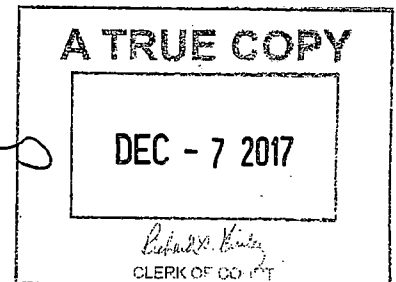
Dear Mr. Shirley;

Please find enclosed an original copy of my 59(e) Motion to be filed with your Office. Please return a stamp clock copy to me for filing.

Sincerley

Corey L. Williams

Corey Williams



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON) TENTH JUDICIAL CIRCUIT

Corey L. Williams, #259070,)
) C.A. No. 2013-CP-04-2353
Appellant,)

v.)

State of South Carolina,)
)
Respondent.)

Appellant's Motion For
Reconsideration Pursuant
to Rule 59(E)

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S.C. SUPREME COURT

You will please take notice that pursuant to Rule 59(E) of the S.C. Rules of Civil Procedure the Appellant, Corey Williams, would hereby move the Court to reconsider the Final Order issued and submitted to the Appellant on November 6, 2017. The Appellant would request reconsideration on the following grounds:

1.) In the present matter Appellant alleges that the following facts rendered the Court without jurisdiction, and that his conviction violated the Double Jeopardy Clause.

A mistrial was declared in the jury trial of Appellant's Murder case on June 10, 1999. The Prosecution nolle prossed the original indictment for Murder, (1999-GS-04-808). Subsequently re-indicted Appellant for the Murder charge on January 11, 2000, with Murder indictment 2000-Gs-04-227, thus, superseding the original 1999 indictment.

On December 11, 2013, Appellant received confirmation from the Anderson County clerk of court, (see attached disposition exhibit), that indictment 2000-GS-04-227 was also nolle prosecuted. Appellant contacted his caseworker and was informed that his commitment order was for the original indictment, (1999-GS-04-808), that was dismissed and superseded.

Therefore rendering the lower court without jurisdiction Mackey v. State, 595 S.E.2d 241 (S.C. 2004), "All proceedings following an entry of a nolle prosequi are void and the indictment no longer valid". Further, a nolle prosequi prevents a trial court of jurisdiction. In Re Brown, 294, S.C. 235, 363 S.E.2d 688 (1988).

2.) This Court's order does not address the grounds as presented in the Appellant's application, and briefs before this Honorable Court, motions or memorandums as submitted, and the Appellant would request a ruling with regard to the same.

This motion is based upon the South Carolina Rules of Civil Procedure and all documents hereto filed with this court.

Respectfully Submitted

s/ Corey L. Williams #259070.
Corey L. Williams #259070

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TRCI Unit 11/223
200 Prison Road
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