

SEP 01 2017

For purpose of the vacating of sentence
(State v. Evans, 319 S.C. 320 (1995))

SC Court of Appeals

1.) Defendant contends that an "alleged" State Grand Jury was "bootstrapped" to the Defendants illegal seizure/arrest in efforts to "conceal" the violation of Defendants 4th Amendment rights to the U.S. Constitution, as well as a clear violation of S.C. Const. Art. 1 § 11, as well as an arrest warrant being constitutionally required to enter a person's home to effect an arrest See 445 U.S. 573. Also, in those cases where warrants are required, only a neutral and impartial judge or magistrate can issue it, 407 U.S. 345, 348, and only upon a showing of probable cause... See 333 U.S. 10, 103 S.Ct. 2317. "If the arrest warrant is issued as a result of an indictment, the indictment will describe

the charge and the elements of the crime in lieu of a sworn affidavit", Defendant has previously provided to the Court of Appeals "those unsigned, manufactured warrants. It is a fact that Defendant was illegally seized on February 8, 2016 from his home located at 116 Summer Creek Drive, Summerville SC. 291483 (Berkeley County), and also a fact that "invalid" search warrant which was later manufactured by prosecution is Dated: February 5, 2016, and on Feb. 8, 2016 upon the illegal search & seizure, Defendant was taken directly to Richland County, Columbia in violation of the S.C. Const. Art. 1 § 11. It is a fact that an "alleged" State Grand Jury did not occur until April 13, 2016 - 2 months & 5 Days after Defendant was arrested.

It is Defendants contention that giving the various due process violations, and violations of the S.C. And U.S. Constitutions that an "alleged" State Grand Jury was bootstrapped in "name" and manufactured "paperwork" only. Procedures, or lack of, and actions taken by prosecution are not in accordance with the provisions of § 14-7-175D. Indictment by state grand jury. § 14-7-1640 says: If an indictment is returned, it must be certified to which "alleged" indictment wasnt. § 14-7-1730. Jurisdiction of presiding judge (B) says: A person indicted by a state grand jury for a bailable offense must have a bond hearing before the end of the second business day following the day he was arrested... Again, Defendant was "arrested" on Feb. 8, 2016 and held to answer for crimes the jurisdiction over, and wasnt "allegedly" indicted until April 13, 2016 thereby actions not being in accordance with the provisions of Art. 15. Therefore, an "alleged" State Grand Jury" had no jurisdiction over Defendant, and police were in violation of Defendants Constitutional rights and due process of law violated on these facts as well as a preliminary hearing being denied Defendant. All of these issues renders "Counsel" ineffective.

Defendant asserts for purpose of appeal/vacating of sentence that Defense Counsel was severely ineffective and challenges or raises on appeal the lack of subject matter jurisdiction of a State Grand Jury.



For the purpose of appeal/vacation of sentence

Attorney for Defendant, Timothy L. Griffith, Esquire was severely ineffective in his representation of Defendant Emory W. Roberts Jr. 1.) Attorney did not raise timely and proper objections; 2.) Attorney absolutely refused to Defend/Protect Defendants Constitutional rights (U.S. Constitution, Amendment IV, The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." 3.) Defendant was evaluated by a Dr. ordered by the Court, and Defendant stated his fear, anxiety, and reluctance to be represented by Attorney Timothy L. Griffith, the Dr. Documented this statement and read this statement to the court on (July 19, 2017) and Defendant asserted to the Court that he would exercise his rights to represent himself because the so-called relationship between Client/Attorney never existed, It is Defendants contention that this Attorney was appointed to Defendant to clean up the prosecutions dirty work", this Attorney stated to Defendant that he was sent by the Attorney Generals office and later said that he was sent by the state Grand Jury. On three separate occasions Judge Jefferson stated that I have a right to represent myself to no avail as I was forced to trial in a Court lacking subject matter jurisdiction with ineffective assistance of counsel. in violation of (U.S. Constitutional Amendment VI) Defendant had to absolutely file petition of Writ of Habeas Corpus himself, without the aid of counsel, and "Ineffective Counsel" was also expressed in Federal Habeas Corpus concerning this same Attorney, (See CIA No. 2:17-453-RMG-MGE). Attorney Timothy Griffith at Defendants Trial "waived Objection" to "Chain of Custody"; Attorney did not raise, argue, or protect my rights whatsoever, he barely cross-examined witnesses with the "few" questions he asked... Everytime Defendant asked that an issue be argued the Attorney simply turned his back to Defendant and refused to ask questions that Defendant presented to him verbally and on notepad paper. Defendant was threatened by Judge to be "put in a back room where he could only view trial from a monitor if Defendant continued to speak". In Open Court in front of All Jury Members, upon introduction to All Jury members before swearing in. I made an announcement to the Jury that Attorney Timothy L. Griffith cannot represent me and that I felt fear from this Attorney and I knew he was not going to be effective to me because he was sent by prosecution to clean up the prosecutions dirty work "I've been unlawfully imprisoned and all my rights have been violated showing total disregard of due process of law.

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(In Support of Appeal/Vacation of Sentence)

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SC Court of Appeals

In a Motion for Discovery Dated June 7, 2016, And Disclosure of Evidence, Defendant required that any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

This motion is made pursuant to S.C. Rules of Criminal Procedure Rules 5 and 6; Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963); J.S. v. Agurs, 427 U.S. 97, 96 S. Ct. 2392 (1976); State v. Mixon, 274 S.E.2d 406 (1981). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution and the United States Constitution. Defendant contends that all and prior Attorney Eleanor Cleary were severely ineffective in that they knew of violation of S.C. Const. Art. 1 § 11 and were aware of all other Constitutional violations. Attorney Timothy Griffith at Defendants Trial "Waved Objection" to chain of custody against Defendants wishes and rights. Defendant made the courts aware as well as the jury and Dr., that Defendant felt fear from this representation by Attorney, and that Lawyer/Client relationship had "broken down". Defendant contends that he was illegally seized without an "Arrest Warrant" or valid "Search Warrant" in violation of U.S. Constitution, and in violation of S.C. Constitution Art. 1 § 11 on February 8th, 2016 was held to answer for crimes the jurisdiction over from (2-8-16 to 6-9-16) in violation of U.S. Amendment VI, and U.S. Amendment V. Defendant contends and can prove the "manufacturing" of "Papers" to conceal or attempt to conceal a malicious prosecution and disregard of Defendants Constitutional Rights And Civil Liberties, Enclosed please see "Manufactured Warrant" and Affidavit.

(Dated: February 9, 2016
Filed: March 14, 2016
Filed: April 11, 2016)

(2nd Copy) (See: Manufactured Warrant & Affidavit)

- 1.) SGJ Numbers Dont Match
- 2.) Warrant For County of Dorchester
- 3.) Affidavit For Warrant County of Berkeley
- 4.) No Signature of Issuing Judge
- 5.) Not Certified For Service
- 6.) No Date For Actual "Alleged" Offense
- 7.) "Warrant" Filed Mar 14, 2016 By State Grand Jury that wasnt impaneled until April 13, 2016
- 8.) Affidavit Filed April 11, 2016 by state Grand Jury that wasnt impaneled until April 13, 2016
- 9.) Agency ORI #: SCLD 0000 (No numbers)
- 10.) Warrant "Return" to 1701 Main Street, Columbia S.C. 29210 (Violation Art. 1 §11)
- 11.) SGJ # On Affidavit Clearly shows Corruption (Manufactured)

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SC Court of Appeals

(CASE # 2016-CS-17-02)

(Various Due process violations in support of appeal/vacate sentence)

Defendant contends a State Grand Jury never occurred; S.C. CONST. Art. 1 §11 was violated; Berkeley County General Sessions was without subject matter jurisdiction after violation; after charges being dismissed in R.C., double jeopardy took place. (Richland County Columbia)

Arrest Warrant
says County of Dorchester
not Berkeley

Different
Filing Dates

FILED

APR 11 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

ATTACHMENT A
AFFIDAVIT FOR ARREST WARRANT

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

"see Warrant"

S.C. Code Ann. § 44-53-370 (e)(3)(c)
CDR 149

TRAFFICKING HEROIN
More than 28 grams

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That one Emory Warren Roberts did knowingly, intentionally, and willfully possess (actually or constructively), or distribute and/or conspire with other individuals to possess (actually or constructively), or distribute a quantity of heroin in excess of 28 grams. These offenses occurred at locations in Dorchester and Berkeley Counties, in the State of South Carolina from on or about January 1, 2015 to the present.

During the course of a criminal investigation by law enforcement, investigators developed a cooperating informant who has provided credible and reliable information to law enforcement over the past 120 days. This cooperating informant (hereafter referred to as CI) identified a subject known to him/her as "Q" (further identified by law enforcement as Emory Warren Roberts) who was engaged in the sale and distribution of heroin. This CI advised law enforcement that he/she had purchased heroin from "Q" on at least one hundred occasions during 2015.

Law enforcement has utilized this cooperating informant (CI) to conduct several undercover controlled heroin purchases from Roberts from September of 2015 to January 2016.

In addition to these controlled buys law enforcement has interviewed confidential informants who have provided connections between Hunter and Roberts. This informant stated that Hunter directed him to meet Roberts to conduct a heroin transaction. Furthermore, utilizing this confidential informant, law enforcement made a controlled purchase of heroin from Hunter while Hunter was at Robert's residence of 1009 Margaret Drive, Ladson SC.

This being in violation of SC Code of Laws, 1976, as amended.

SGJ 2015-253
00862

Corruption
Clearly
A Copy
Fraud

Numbers
Don't match
Warrant

Arrest
Warrant
Dated Feb. 9

Original Copy

(Case # 2016-GS-47-02)

SC Court of Appeals

Different Filing Dates
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SC Court of Appeals

FILED

MAR 14 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

ARREST WARRANT

STATE OF SOUTH CAROLINA)
County of Dorchester)

AFFIDAVIT

STATE OF SOUTH CAROLINA
County of Dorchester
2016A4700100018

Personally appeared before me the affiant S/A Justin Wingo who
being duly sworn deposes and says that defendant Emory Warren Roberts
did within this County and State on Jan. 1, 2015 to Feb 8, 2016 violate the criminal laws of the State of South
Carolina (or ordinance) of the County of Dorchester and Berkeley
in the following particulars: **DESCRIPTION OF OFFENSE: Trafficking Heroin greater than 28 grams**
SC Code 44-53-370 e 3 c

THE STATE
Against

EMORY WARREN ROBERTS
(Defendant)

I, further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Address: 162 Colonial Avenue Long Island, NY
Phone: _____
SSN: _____
Sex: M Race: B Height: _____ Weight: _____
DL State: _____ DL# _____
DOB: _____ Agency ORI#: SCLED0000
Prosecuting Agency: SLED/SC AG's Office
Prosecuting Officer: S/A J. Wingo
Offense: Traff. Heroin >28 grams
Offense Code: 149
Code/Ordinance Section: 44-53-370 e 3 c

See attached Affidavit.

Numbers dont match
Affidavit

SGJ 2015-253
00864

No Numbers

This warrant is CERTIFIED FOR SERVICE in the County
of _____
The accused is to be arrested and brought before me to
be dealt with according to law.

Sworn to and subscribed before me on)
Feb 9, 2016)
(J. Wingo) (L.S.)
Signature of Judge

Signature of Affiant SLED
Affiant's Address P.O. Box 21398
Columbia SC 29221
Affiant's Telephone 803-737-9000

STATE OF SOUTH CAROLINA)
County of Dorchester) **ARREST WARRANT**

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MINICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on 1/1/2015 to
2/8/2016 defendant Emory Warren Roberts did violate the criminal laws of the State of South Carolina (or ordinance
of the County of Dorchester and Berkeley) as set forth below:
DESCRIPTION OF OFFENSE: Trafficking Heroin greater than 28 grams
Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me
forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at
the time of its execution, or as soon thereafter as is practicable.

(L.S.)
Signature of Judge
Date: _____

Signature of Issuing Judge _____
Judge Code: _____ Judge's address: 1701 Main Street, Columbia, SC 29210, TEL: (803)576-1746

RETURN
A copy of this arrest warrant was delivered to
defendant Emory Warren Roberts
on Feb 9 2016

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: State Grand Jury Office of the Clerk
(S.C. CONST. Art. 1 § 11 violation)

- Again, no signature from Judge OR Judge Code
- No Date of Actual "Alleged" offense
- SGJ # Are Different/ And one forged

Evidence of
Manufactured Warrant"
as well as
Violation of Article 1, Section 11
Dated Feb. 9, 2016
2 Months 5 Days Before
Alleged State Grand Jury

Charged
For Same Alleged
Crimes in Two Different Counties

(Violation of Art. 1 § 11 S.C. CONST)

§
(U.S. Constitution, Amend. VI)

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND)	CASE NO. 2016-GS-47-02
STATE OF SOUTH CAROLINA)	2016-GS-47-03
VS)	ORDER OF APPOINTMENT FOR LEGAL
EMORY-WARREN-ROBERTS,)	COUNSEL OF INDIGENT DEFENDANT
DEFENDANT)	

THE DEFENDANT CONTENDS THAT SHE IS INDIGENT AND IN NEED OF SERVICE OF AN ATTORNEY AS CONTEMPLATED BY LAW. THEREFORE, TIMOTHY GRIFFITH, ATTORNEY-AT-LAW, IS APPOINTED FOR THE DEFENDANT UNDER THE AUTHORITY OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES/STATE GRAND JURY. THIS ORDER IS ISSUED BY THE CLERK OF COURT FOR THE STATE GRAND JURY TO APPOINT ATTORNEYS FOR INDIGENT DEFENDANTS.

IT IS SO ORDERED:

This 21st day of November, 2016

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SC Court of Appeals

James R. Parks
 JAMES R. PARKS, CLERK OF COURT
 STATE GRAND JURY

FILED
 NOV 21 2016
 James R. Parks
 CLERK, STATE GRAND JURY

A TRUE COPY
 Attest: James R. Parks, Clerk
 By: Margaret J. Self
 Deputy Clerk

(For Purpose of Appeal
Vacation of Sentence)

Evidence
of "Manufactured"
Papers

(Double Jeopardy)
No Jurisdiction
Never Charged
In Berkeley County
or informed of nature
And cause of nature
against me

6th Amend.
Violation

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
State of South Carolina,)
Plaintiff)
Vs.)
EMORY ROBERTS.)
Defendant)

COURT OF GENERAL SESSIONS
9TH JUDICIAL CIRCUIT

2016-GS-47-02
2016-GS-47-03

FILED

JAN 04 2017

JAMES R. PARKS

CLERK, STATE GRAND JURY

MOTION FOR
BOND RECONSIDERATION

TO: Attorney General

The Defendant's attorney, Mr. Timothy L. Griffith, Esquire hereby moves for a BOND and/or Reconsideration of the defendant's bond.

Defendant is entitled to reasonable bond. Defendant was denied bond OR did not have a bond set is and is still awaiting bond, and has been incarcerated for approximately six months.


The defendant is not a flight risk and has local connections and family in the local area.

The defendant would ask for a PR bond at this time or whatever bond the Court deems appropriate under the circumstances.

Defendant would ask this Court for a PR bond or for some bond to be granted and for a bond that is within means of his family or persons interested in his welfare to remove him from the BERKELEY COUNTY detention center so that he may actively participate in his own defense.

I SO MOVE:
RESPECTFULLY SUBMITTED

December 19, 2016

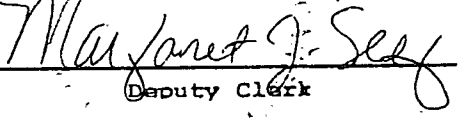

Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29150
(803) 607-9087

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SEP 01 2017
SC Court of Appeals

A TRUE COPY

Attest: James R. Parks, Clerk

By: 
Deputy Clerk