

STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF COLLETION) COMMON PLEAS

JASON BRADLEY MATTHEWS, 161459,) CASE NO:
APPLICANT,) 2015-CP-15-0463

v.) NOTICE OF APPEAL

STATE OF SOUTH CAROLINA,)
RESPONDENT.)

RECEIVED

MAR 23 2018

SC Court of Appeals

I, Jason Bradley Matthews, pro se applicant in the above-captioned matter hereby timely files with the Court this NOTICE OF APPEAL.

- 1) The lower court erred in dismissing applicant's PCR action for the reason that such an action is barred by a Statute of Limitation. In regard to this reason, this applicant asserts that the issue of EXTRINSIC FRAUD can be raised, heard and adjudicated outside of the one-year time frame governing all other issues. Please See: Hagy v. Pruitt, 339 S.C. 425, 529 S.E. 2d 714 (2000); Evans v. Gunter, 366 S.E. 2d 44 (Ct. Apps. 1988); Williams, et, al. v. Bordens, Inc. 274 S.C. 275, 262 S.E. 2d 881 (1980); Center v. Center, 269 S.C. 367, 237 S.E. 2d 491 (1977).

2) The lower court erred in dismissing applicant's PCR action for the reason that such an action is barred because it is successive. In regard to this reason, this applicant asserts that a second PCR action can be initiated pursuant to: 17-27-90; Aice v. State, 305 S.C. 448, 409 S.E. 2d 392 (1991); 17-27-20 (A) (4); 17-27-45 (c); Jamison v. State, 410 S.C. 456, 756 S.E. 2d 123 (2014); 24 Am. Jur. 2d Divorce and Separation § 435 (1998) Chewing, 354 S.C. at 81, 574 S.E. 2d at 610.

3) The lower court erred in dismissing applicant's PCR action for the reason that such an action is barred by the doctrine of laches, yet while making no specific fact finding in the Order of Dismissal. Mere assertion by Respondent's is not enough for the Court to apply laches in applicant's particular case. According to the doctrine Respondent's, the alleging party, must make a factual case that they would be injured, prejudiced or disadvantaged by having to appear in an evidentiary hearing so as to make legal argument on genuine issues of material fact which are now ripe for review by the Court. Please See: Whitehead v. State, 352 S.C. 215, 219, 574 S.E. 2d 200, 202 (2002); Hallums v. Hallums, 296 S.C. 195, 199, 371 S.E. 2d 525, 528 (1988); Arceneaux v. Arrington, 284 S.C. 500, 503, 327 S.E.

2d 357, 358 (Ct. Apps. 1985).

Issues:

- A) Applicant has been denied due process, his 14th Amendment right, to fully exhibit and try his case before the Court. This issue is based on the fact that applicant's guilty plea was generated by plea counsel's actions of **EXTRINSIC FRAUD**.
- B) In light of the material (forensic) evidence that plea counsel intentionally concealed from applicant, applicant, now knowing, asserts that he is actually innocent of Capital Murder.
- C) Applicant asserts that the Respondent's lack **SUBJECT MATTER JURISDICTION** because Respondent's initiated applicant's case using an affidavit and arrest warrant based on an extremely significant aggravating circumstance that was generated when State officials willingly assisted a known ex-convicted felon in becoming a gun carrying police chief, thereby those actions to circumvent State law 23-11-110 and violating Federal law 922 (h) (1). The fruit of those forbidden actions was then used by Respondent's before the Court as an aggravating circumstance

to substantiate a sentence of LIFE imprisonment in applicant's particular case.

D) Referring to (c), applicant asserts that his sentence of LIFE imprisonment is therefore illegal, and so he is being illegally imprisoned; a Miscarriage of Justice.

Conclusion:

For the foregoing reasons and issues applicant asks the Court of Appeals to vacate his conviction and sentence, and remand applicant's case for trial.

As an alternative, applicant asks the Court of Appeals to remand applicant's particular case back to the lower court, with order and instruction to hold an evidentiary hearing on the genuine issues of material fact pursuant to 17-27-20 (b).

Respectfully Submitted,
Joaquín Bradley Matthews

On this date of March 19, 2018

RECEIVED
MAR 23 2018
SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF COLLETON) COMMON PLEAS
)

JASON BRADLEY MATTHEWS, 161459) CASE NO:
APPLICANT) 2015-CP-15-0463
)

v.) AFFIDAVIT OF
) SERVICE BY MAIL
STATE OF SOUTH CAROLINA)
RESPONDENT.)

- 1) I, Jason Bradley Matthews, am the applicant in the above-captioned matter.
- 2) Regular communication by mail exist throughout South Carolina and that this is a proper circumstance of service by mail.
- 3) I have this day served a copy of the NOTICE OF APPEAL and MOTION FOR COURT-APPOINTED COUNSEL in the above-captioned matter on the following person by depositing same in the U.S. mail, postage pre-paid: Office of the Attorney General
Attn: Christian A. Saville, AAG
P.O. Box 11549
Cola, S.C. 29211-1549

Dated: March 19, 2018

Jason Bradley Matthews, Applicant

March 19, 2018

Court of Appeals
Ms. Jennifer Abbott Kitchens, Clerk
P.O. Box 11629
Columbia, S.C. 29211-1629

RECEIVED
MAR 23 2018
SC Court of Appeals

Re: Jason Bradley Matthews, 161459 v. State of South Carolina
Case No: 2015-CP-15-0463

Dear Ms. Kitchens,

Enclosed for filing in your office please find my
NOTICE OF APPEAL and MOTION FOR COURT-APPOINTED
COUNSEL in the above-captioned case.

Sincerely,
Jason Bradley Matthews

Enclosures


cc: Clerk of Court - Colleton County
Christian Saville - Asst. Atty. Gen.

Jason Matthews, 161459
ACI / Barnwell A-18
P.O. Box 1151
Fairfax, S.C. 29827

CERTIFIED MAIL



7015 0640 0007 0299 7830

UNITED STATES POSTAGE

PITNEY BOWES
02 1P \$ 003.920
0000835495 MAR 20 2018
MAILED FROM ZIP CODE 29827

RECEIVED
MAR 20 2018
MAILROOM
ACI

RECEIVED

MAR 23 2018

SC Court of Appeals

The Honorable Jennifer Abbott Kitchens
Clerk of Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

3/22

29211#1629 8012

