

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
THE HONORABLE J.C. BUDDY NICHOLSON, JR., CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2015-000636

THE STATE OF SOUTH CAROLINA,

RESPONDENT

RECEIVED

MAR 23 2018

SC Court of Appeals

vs.

TIMOTHY JAMES WRIGHT,

APPELLANT

AFFIDAVIT OF SERVICE


I, TOMOTHY JAMES WRIGHT, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO CHALLENGE THE S.C. COURT OF APPEALS JURISDICTION TO LEAVE IN PLACE STATE APPOINTED LEGAL COUNSEL DUE TO FRAUD UPON THE COURT; MOTION TO RELIEVE COUNSEL; MOTION TO ACT PRO SE AND FILE FOR REHEARING OUT OF TIME AND OR BEYOND THE TIME LIMIT; MOTION FOR FORFEITURE AND MOTION TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS, ATTORNEY ROBERT DUDEK AND THE S.C. ATTORNEY GENERAL, BY U.S. MAIL, POSTAGE PREPAID, BY PLACING IT IN THE INSTITUTION MAILBOX ON MARCH 20, 2018.

MARCH 20, 2018

RESPECTFULLY,

TIMOTHY JAMES WRIGHT

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TIMOTHY JAMES WRIGHT,

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AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION
TO CHALLENGE THE S.C. COURT OF APPEALS JURISDICTION
TO LEAVE IN PLACE STATE APPOINTED LEGAL COUNSEL DUE
TO FRAUD UPON THE COURT; MOTION TO RELIEVE COUNSEL;
MOTION TO ACT PRO SE AND FILE FOR REHEARING OUT OF
TIME AND OR BEYOND THE TIME LIMIT; MOTION FOR
FORFEITURE AND MOTION TO MOTION THEREFOR

TO: THE S.C. COURT OF APPEALS ET. AL.,

I, TIMOTHY JAMES WRIGHT, THE UNDERSIGNED AFFIANT(S),
HEREINAFTER DO HEREBY SOLEMNLY SWEAR AND OR DECLARE AND OR AFFIRM
AND OR STATE AS FOLLOWS: (A) AFFIANT IS COMPETENT TO STATE THE
MATTERS SET FORTH HERewith; (B) AFFIANT HAS PERSONAL KNOWLEDGE

OF THE FACTS STATED HEREIN; (C) ALL FACTS STATED HEREIN ARE TRUE, CORRECT AND COMPLETE IN ACCORDANCE WITH AFFIANT'S BEST FIRSTHAND KNOWLEDGE AND UNDERSTANDING, AND IF CALLED UPON TO TESTIFY AS A WITNESS AFFIANT SHALL STATE:

THE APPELLANT IN THE ABOVE CAPTIONED MATTER MOTIONS TO CHALLENGE THE S.C. COURT OF APPEAL'S JURISDICTION TO LEAVE THIS STATE APPOINTED LEGAL COUNSEL ON HIM DUE TO FRAUD UPON THE COURT. THE APPELLANT MOTIONS TO RELIEVE STATE APPOINTED LEGAL COUNSEL AND THE APPELLANT OFFICIALLY SEEKS TO EXERCISE HIS CONSTITUTIONALLY PROTECTED RIGHT OF SELF REPRESENTATION. THE LAW DICTATES THAT THE APPELLANT'S RIGHT TO SELF REPRESENTATION MUST BE (1) CLEAR AND UNEQUIVOCAL; (2) KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY SOUGHT; (3) AND TIMELY. THE RIGHT IS TIMELY SOUGHT DUE TO COLLATERAL ATTACK RELATED TO RECENT ACTS OF FRAUD UPON THE COURT. THE APPELLANT SEEKING TO EXERCISE THIS CONSTITUTIONALLY PROTECTED RIGHT IS NOT DONE AS A TACTICAL DELAY, BUT MORE TO THE TRUTH, TO SPEED UP THE PROCESS DUE TO WHAT JUST OCCURRED. IT IS NOT DONE TO DISRUPT THE COURT OR MANIPULATE THE APPEAL PROCESS, BECAUSE THAT HAS ALREADY OCCURRED BY THE RESPONDENT WHO COMPROMISED STATE APPOINTED LEGAL COUNSEL AS AN ACT OF MACHINATION TO GET STATE APPOINTED COUNSEL TO FORFEIT MY DUE PROCESS RIGHT TO SEEK REHEARING AND I EXERCISE THIS RIGHT TO ADDRESS THAT FRAUD. I MAKE THIS REQUEST KNOWINGLY, INTELLIGENTLY, VOLUNTARILY, CLEARLY AND UNEQUIVOCALLY WITH MY EYES FULLY OPEN AND BEING FULLY AWARE OF THE DANGERS OF SELF REPRESENTATION. I MOTION TO RELIEVE COUNSEL AND ACT PRO SE, STATE-v.-BARNES, 407 S.C. 27, 753 S.E.2d. 545(S.C.2014); BROOKS-v.-SOUTH-CAROLINA-COMMISSION-OF-INDIGENT-DEFENSE, 419 S.C. 319, 797 S.E.2d. 402(S.C.2017); STATE-v.-ROLITE, S.E.2d., 2017 WL 105020(S.C.2017); STATE-v.-MAZIQUE, 419 S.C. 282, 797 S.E.2d. 730(S.C.2016); STATE-v.-GREEN, S.E.2d., 2016 WL 3200132(S.C.2016).

SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME, CANNOT BE WAIVED BY ME EVEN WITH MY CONSENT, WHICH NO ONE HAS, CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL, DO NOT HAVE TO BE PRESERVED BY A TIMELY OBJECTION AND THE COURT SHALL NOT FAIL TO TAKE NOTICE, SOUTH-CAROLINA-DEPARTMENT-OF-SOCIAL-SERVICES-v.-TRAN, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); MCCAIN



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v.-BRIGHTHARP, 399 S. 240, 730 S.E.2d. 916(S.C.App.2012);
SHEILA-R.-v.-DAVID-R., 396 S.C. 41, 719 S.E.2d. 682(S.C.App.2011)
; U.S.-v.-BEASLEY, 495 F3d. 142(4th.Cir.2007); U.S.-v.-\$41,320
U.S.-CURRENCY, 9 F.Supp.3d. 582, 2014 WL 1266240.

FRAUD VITIATES EVERYTHING, AND A JUDGMENT OR ACT PROCURED BY FRAUD MAY BE COOLATERALLY ATTACKED. THIS APPLIES TO ACTS, JUDGMENTS OR DECREES OF ALL COURTS, MYLES-v.-DOMINO'S-PIZZA LLC., 2017 WL 238436(D.C.Miss.2017); FIRST-TECHNOLOGY-CAPITAL, INC.-v.-BANCTEC, INC., 2016 WL 7444943(D.C.Ky.2016); MARTIN v.-TARGET-CORP.-OF-MINNESOTA, F.Supp.2d., 2013 WL 1187034(D.N.J. 2013); McCLAIN-v.-1st.-SECURITY-BANK-OF-WASHINGTON, 2016 WL 8504775(W.D.Wash.2016).

ATTACHED THE COURT OF APPEALS WILL FIND:

(1) A COPY OF THE LETTER DATED MARCH 7, 2018, SENT TO THE APPELLANT BY ROBERT M. DUDEK OF THE S.C. COMMISSION OF INDIGENT DEFENSE OFFICE. I CHALLENGE THE COURT'S JURISDICTION TO LEAVE THIS ATTORNEY ON ME AND MOTION TO ACT PRO SE DUE TO FRAUD UPON THE COURT, ACTS OF MACHINATION AND OBSTRUCTION OF JUSTICE.

WITH ALL DUE RESPECT, FIRST THE S.C. COURT OF APPEALS GAVE THIS COMPROMISED STATE APPOINTED ATTORNEY A DIRECT ORDER TO FILE MY BRIEF FOR REHEARING WITHIN TWO WEEKS. THE COURT DID NOT LEAVE IT UP TO HIS DISCRETION. THE COURT GAVE HIM A DIRECT ORDER. YET, NOW BY THIS ATTACHED LETTER THE COMPROMISED ATTORNEY HAS FAILED TO OBEY THE COURT'S DIRECT ORDER PLACING HIM IN CONTEMPT OF COURT REQUIRING HIS IMMEDIATE REMOVAL DUE TO THE OVERWHELMING AMOUNT OF PREJUDICE THE APPELLANT WAS SUBJECT TO BY THIS ACTION POTENTIALLY INVOLVING THE COURT ITSELF. I OBJECT, CURLEE-v.-HOWLE, 277 S.C. 377, 287 S.E.2d. 915(S.C.1982); MOOJIN v.-MOOJIN, 789 S.E.2d. 769, 772(S.C.App.2016).

THE RESPONDENT COMPROMISED THIS STATE APPOINTED ATTORNEY CONSPIRING UNDER COLOR OF STATE LAW IN ACTS OF FRAUD UPON THE COURT, WITH PARTIES OF THIS COURT BEING PRIVY TO IT. IT IS CLEAR FROM ATTORNEY GOLDBERG'S RESPONSE TO THE COURT THAT SHE HAD

NO PROBLEM FILING THE BRIEF FOR REHEARING OUT OF TIME AND OR BEYOND THE TIME LIMIT, BECAUSE SHE CLEARLY STATED THAT SHE WOULD HAVE NO PROBLEM DOING IT. SO IF ATTORNEY GOLDBERG HAD NO PROBLEM WITH FILING THE BRIEF FOR REHEARING AS CLEARLY INDICATED BY HER RESPONSE. WHY DID ROBERT DUDEK HAVE A PROBLEM FILING THE BRIEF FOR REHEARING? IT IS THE APPELLANT'S POSITION THAT THE COURT DID NOT ALLOW ATTORNEY GOLDBERG TO FILE THE REHEARING BRIEF AND CONTINUE ON THE CASE, NOT MERELY BECAUSE OF THE APPELLANT'S PREVIOUS STATED CONCERNS. BUT MORE TO THE POINT, THE COURT DID NOT ALLOW HER TO CONTINUE AS ATTORNEY BECAUSE SHE IMMEDIATELY AGREED TO FILED THE REHEARING BRIEF, AND IT WAS THE COURT AND CONSPIRING PARTIES INTENT TO BE SILENT AND SILENCE THE APPELLANT ON JURISDICTIONAL ISSUES THAT CAN BE RAISED FOR THE FIRST TIME ON APPEAL AND HAVE ABSOLUTELY NOTHING TO DO WITH WHETHER THEY WERE PRESERVED BY TIMELY OBJECTION OR NOT AS AN ACT OF MACHINATION IN VIOLATION OF THE U.S. SUPREME COURT HOLDINGS UNDER ROSS-v.-BLAKE, 136 S.Ct. 1850(2016). THERE IS A LEGAL AND MORAL DUTY TO SPEAK ON THE JURISDICTIONAL ISSUES OF CONCERN AND IT WAS THE COURT AND PARTIES INTENT TO GET ROBERT DUDEK TO DROP THE REHEARING IN EFFORTS TO BE SILENT AND SILENCE THE APPELLANT ON ADDRESSING HIS JURISDICTIONAL ISSUES THAT DO NOT HAVE TO BE PRESERVED BY TIMELY OBJECTION AND THAT CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL IN ACTS OF MACHINATION AND FRAUD UPON THE COURT ALSO REQUIRING FORFEITURE WHICH I NOW MOTION FOR. DUE TO THE ATTORNEY BLATANTLY DISOBEYING THE COURT'S ORDER IN EFFORTS TO CONCEAL MATERIAL INFORMATION AND BE SILENT ON ESSENTIAL JURISDICTIONAL ISSUES. THE COURT SHALL NOT HESITATE TO GRANT RELIEF, WHICH SHOULD INCLUDE THE VACATING OF THE APPELLANT'S CONVICTION DUE TO THE COURT AND RESPONDENT'S INVOLVEMENT IN THIS FRAUD, WHERE THE ORDER OF THE S.C. COURT OF APPEALS WAS VIOLATED TO THE PREJUDICE OF THE APPELLANT WHOM IT WAS DESIGNED TO PROTECT, TOYOTA-OF-FLORENCE-v.-LYNCH, 314 S.C. 257, 442 S.E.2d. 611, 615(1994); S.C.RULES OF COURT ANNOTATED, 2006 EDITION. PG. 70; PANAS-v.-PANAS, S.E.2d., 2010 WL 10088164(S.C. App.2010); EX-PARTE-CANNON, 385 S.C. 643, 685 S.E.2d. 814(S.C. App.2009); UNITED-STATES-v.-PEOPLES, 698 F3d. 185 CA4 (S.C.2012); IN-RE:-JOSHUA-R-L, S.E.2d., 2013 WL 8538696(S.C.App.2013); UNITED-STATES-v.-BOSTON, 539 Fed. Appx' 209 CA4 (N.C.2013); HOLMES-v.-HOLMES, S.E.2d., 2014 WL 3369006(S.C.App.2014); SUN

v.-SUN, S.E.2d., 2014 WL 7778971(S.C.App.2014); RE:-McDONALD,
497 B.R. 489 Bkrtcy (DSC.2013); EX-PARTE-LIPSCOMB, 398 S.C.
463, 730 S.E.2d. 320(2012).

MY DUE PROCESS RIGHT TO ACT PRO SE AS "COUNSEL OF CHOICE"
WAS PREVENTED AT THIS STAGE AS AN ACT OF MACHINATION TO PREVENT
MY FILING OF CRUCIAL, KEY, JURISDICTIONAL ISSUES. THIS CREATES
A STRUCTURAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE
DUE TO THE FRAUD AND IT EFFECTING MY SUBSTANTIAL CONSTITUTIONAL
RIGHT TO "COUNSEL OF CHOICE" AT A CRITICAL STAGE OF THE PROCEED-
INGS, AND MY RIGHT TO ACT PRO SE IS ALSO CONSIDERED AS A RIGHT
TO "COUNSEL OF CHOICE". WHERE THE APPELLANT IS DENIED THE RIGHT
TO SELECT HIS OR HER OWN ATTORNEY, WHICH MY RIGHT TO ACT PRO
SE ALSO ENCOMPASS THIS, THE PRECISE EFFECT OF THE VIOLATION
CANNOT BE ASCERTAINED, AND BECAUSE THE GOVERNMENT WILL, AS A
RESULT, FIND IT ALMOST IMPOSSIBLE TO SHOW THAT THE ERROR WAS
HARMLESS BEYOND A REASONABLE DOUBT, THE ERROR IS DEEMED STRUC-
TURAL. A VIOLATION OF THE 6TH. AMENDMENT RIGHT TO EFFECTIVE
REPRESENTATION IS NOT COMPLETE UNTIL THE DEFENDANT IS PREJUDICED.
THE PREJUDICE IS ESTABLISHED WHERE THIS COMPROMISED ATTORNEY
DROPPED, WAIVED, MY REHEARING RIGHTS, CONSPIRING UNDER COLOR
OF STATE LAW, WHEN I HAVE CLEAR, NON FRIVOLOUS JURISDICTIONAL
CLAIMS THAT DO NOT HAVE TO BE PRESERVED BY TIMELY OBJECTION
AND THAT CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL,
KALEY-v.-U.S. 134 S.Ct. 1090, 188 L.Ed.2d. 46(U.S.2014); U.S.
v.-DAVILA, 133 S.Ct. 2139, 186 L.Ed.2d. 139(U.S.2013); U.S.
v.-MARCUS, 560 U.S. 258, 130 S.Ct. 2159, 176 L.Ed.2d. 1012(U.S.
2010); APPELLATE COURT RULE 203(b); POKE-v.-STATE,--S.W.3d.--
--, 2017 WL 5321216; PIRELA-v.-HORN,--Fed. Appx'--, 2017 WL
41766224(3rd.Cir.2017); WEAVER-v.-MASSACHUSETTS, 137 S.Ct. 1899,
198 L.Ed.2d. 420, 85 U.S.L.W. 4433(U.S.2017).

BY THIS UNJUST ACT OF FRAUD UPON THE COURT AND MACHINATION
THE JURISDICTION OF THE S.C. COURT OF APPEALS IS DEEMED VOID
AND THE COURT IS IN FORFEITURE, WHICH I MOTION FOR DUE TO THIS
ABUSE OF DISCRETION. THE MERITS OF THE LEGAL ISSUES THAT I SEEK
TO FILE ARE NOT MOOT NOR ARE THEY MERITLESS, WHICH WILL EASILY
BE PROVEN UPON OPPORTUNITY TO SUBMIT THE LEGAL ISSUES BEING
GIVEN, WHICH I SEEK, AND THESE JURISDICTIONAL AND DUE PROCESS

CHALLENGES CAN BE RAISED AT ANY TIME, TO INCLUDE FOR PURPOSES OF VACATING THE COURT'S ORDER PLACING THIS COMPROMISED ATTORNEY ON ME IN ACTS OF FRAUD UPON THE COURT, GARCIA-FINANCIAL-GROUP INC.-v.-VIRGINIA-ACCELERATORS-CORP., 3 Fed. Appx' 86, 2001 WL 117497(4th.Cir.2001); BOARD-OF-TRUSTEE-OF-INTERNATIONAL-UNION-OF-OPERATING-ENGINEERS, 2016 WL 1253285; WELLS-FARGO-BANK-N.A.-v.-FARAG, 2016 WL 2944561(2016); WHITE-v.-MANIS, 2014 WL 1513280 (DSC.2014); U.S.-v.-ALADEKCHA, 2010 WL 4054267(D.C.Md.2010). IT IS AN ACT OF FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW, WITH THE RESPONDENT TO PLACE THIS COMPROMISED ATTORNEY ON ME AS AN ACT OF MACHINATION TO REMAIN SILENT AND KEEP THE APPELLANT SILENT ON JURISDICTIONAL ISSUES TO DENY ME APPEALABLE ISSUES FOR WRIT OF CERTIORARI BEFORE THE S.C. SUPREME COURT, AND IS AS WELL A DUE PROCESS VIOLATION VOIDING THE S.C. COURT OF APPEALS JURISDICTION FOR UNCONSTITUTIONAL ACTION REQUIRING SANCTIONS AND FORFEITURE. I OBJECT, CHARLEY-ENTERPRISE, INC.-v.-DICKEY-BARBEQUE-RESTAURANTS-INC., 807 F3d. 553(4th.Cir. 2015); HUNT-v.-U.S. F.Supp.2d., 2007 WL 5131716(DSC.2007); BROWN-v.-U.S., 2014 WL 2871398(DSC.2014); STATE-v.-BRANDT, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011); NORTH-AMERICAN-RESCUE-PRODUCTS, INC.-v.-RICHARDSON, 411 S.C. 371, 769 S.E.2d. 237(S.C. 2015); BLUE-SKY-TRAVEL-AND-TOURS, LLC-v.-AL-TAYYAR--Fed. Appx' --, 2015 WL 1451636 CA4 (Va.2015).

ALL JUDGMENTS OR ACTS MAY BE COLLATERALLY ATTACKED FOR FRAUD UPON THE COURT AT ANY TIME. THE POWER TO VACATE JUDGMENTS FOR FRAUD UPON THE COURT IS FREE FROM PROCEDURAL LIMITATIONS WHICH INCLUDE FRAUD BY OFFICERS OF THE COURT LIKE THE RESPONDENT, THE JUDGES INVOLVED, AND THIS COMPROMISED ATTORNEY, ROBERT DUDEK, WHERE SUCH ACT EFFECT THE INTEGRITY OF THE NORMAL PROCESS, IN RE:-GENESYS-DATA-TECHNOLOGIES, INC., 204 F3d. 124 (4TH.Cir.2000); UNITED-STATES-v.-CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); FOX-EX-REL-FOX-v.-ELK-RUN-COAL-CO.-INC., 739 F3d. 131, 87 Fed. R. SERV.3d. 534(4th.Cir.2014).

SUPPRESSION OF TRUTH SUCH AS MY JURISDICTIONAL ISSUES I SEEK TO ARGUE, MY RIGHT TO ACT PRO SE, AND YOU PLACING THIS COMPROMISED ATTORNEY ON ME IN MACHINATION TO BE SILENT AND SILENCE ME WITH INTENT TO DECEIVE IS "FRAUD". FRAUDULENT CONCEAL-

MENT WITHOUT ANY MISREPRESENTATION, OR DUTY TO DISCLOSE CAN CONSTITUTE FRAUD, EVEN IN ABSENCE OF FIDUCIARY DUTY, STATUTORY, OR OTHER INDEPENDENT LEGAL DUTY TO DISCLOSE MATERIAL INFORMATION, COMMON LAW FRAUD INCLUDES ACTS TAKEN TO CONCEAL, LIKE YOU PLACED THIS COMPROMISED ATTORNEY ON ME TO CONCEAL MY JURISDICTIONAL ISSUES, OR TO CREATE A FALSE IMPRESSION, LIKE YOU TRIED TO GIVE THE FALSE IMPRESSION THAT THE COURT TRIED TO GIVE ME REMEDY WHEN IN TRUTH IN MACHINATION YOU PLACED THIS COMPROMISED ATTORNEY ON ME WHERE THE RESPONDENT AND COURT, CONSPIRING UNDER COLOR OF STATE LAW INTENDED TO GET THIS ATTORNEY TO DROP AND WAIVE MY RIGHT OF REHEARING, OR TO MISLEAD AS THE COURT TRIED TO MISLEAD ME INTO BELIEVING MY RIGHT TO REHEARING WAS BEING GIVEN, OR OTHERWISE DECEIVE TO PREVENT AN OTHER PARTY FROM ACQUIRING MATERIAL INFORMATION SUCH AS A RULING ON THE JURISDICTIONAL ISSUES ACTING IN MACHINATION TO DENY ME WRIT OF CERTIORARI BEFORE THE S.C. SUPREME COURT WHICH PLACES YOU IN FORFEITURE OF EVEN THE CONVICTION WHICH I NOW MOTION TO HAVE THE CONVICTION VACATED DUE TO THESE EGREGIOUS ACTS OF FRAUD UPON THE COURT. I MOTION TO VACATE THE CONVICTION, IN-RE:-DURAMAX-DIESEL-LITIGATION, --F.R.D.--, 2018 WL 949856(E.D.MICH.2018); UNITED-STATES-v. PALIN, 874 F3d. 418(4th.Cir.2017); UNITED-STATES-v.-LUSK, 2017 WL 508589(S.D.Va.2017); UNITED-STATES-v.-CALLOWAY, F.Supp.3d., 2016 WL 4269961(N.D.Cal.2016); MORRISON-v.-ACCUWEATHER, INC., F.Supp.3d., 2016 WL 3015226(M.D.Pa.2016).

JURISDICTIONAL ISSUES ATTACKING THE STRUCTURE OF THE CRIMINAL PROCEEDINGS ADDRESSING CONSTITUTIONAL AND DUE PROCESS CONCERNS THAT ARE NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE, TO WIT, ISSUES CHALLENGING CONVICTION ARE HISTORICALLY NON FRIVOLOUS AND CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL AND THIS COURT IN ACTS OF FRAUD UPON THE COURT AND MACHINATION CONSPIRED UNDER COLOR OF STATE LAW BY KNOWINGLY PLACING THIS COMPROMISED ATTORNEY ON ME WHEN ALL OF YOU, TO INCLUDE THE COURT, KNEW THAT YOUR INTENT FROM THE VERY START WAS TO REMAIN SILENT AND SILENCE ME ON THESE CRUCIAL JURISDICTIONAL ISSUES SOUGHT FILED AND TO GET THIS COMPROMISED ATTORNEY TO FORFEIT MY RIGHT TO REHEARING WHICH IS FRAUD UPON THE COURT, WHICH IS UNCONSTITUTIONAL AND VOIDS YOUR JURISDICTION FOR DUE PROCESS VIOLATION REQUIRING THAT THE CONVICTION BE VACATED BY YOUR ATTEMPT TO

SILENCE ME ON MY JURISDICTIONAL ISSUES. COURTS HAVE THE INHERENT EQUITY POWER TO SET ASIDE JUD.'GMENTS WHICH INCLUDE THE CONVICTION WHENEVER THEIR ENFORCEMENT WOULD BE MANIFESTLY UNCONSCIONABLE BECAUSE OF FRAUD UPON THE COURT AS YOU CONSPIRED TO DENY ME MY RIGHT TO REHEARING, U.S.-v.-COTTON, 231 F3d. 890(4th.Cir.2000) ; CHRISTIANSON-v.-M.B.N.A.-AMERICAN-BANK-N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); CALDWELL-v.-WIQUIST, 402 S.C. 595, 741 S.E.2d. 583(S.C.App.2013); MILLER-v.-COLUMBIA-FOREST,-INC., S.E.2d., 2014 WL 5390504(S.C.App.2014); SPRINGOB-v.-UNIVERSITY OF-SOUTH-CAROLINA, 407 S.C. 490, 757 S.E.2d. 384(S.C.2014); M.D.C.-INNOVATORS,-LLC,-v.-NORTHERN--Fed. Appx'--, 2018 WL 1129607(4th.Cir.2018); HAMER-v.-NEIGHBORHOOD-HOUSING-SERVICES OF-CHICAGO, 138 S.Ct. 13, 199 L.Ed.2d. 249(U.S.2017); PHILLIPS v.-BROCK-&-SCOTT-LLC, 2017 WL 3226866(D.C.Md.2017).

INSOMUCH, KNOWING FAILURE TO DISCLOSE MATERIAL INFORMATION NECESSARY TO PREVENT STATEMENT FROM BEING MISLEADING, LIKE YOU FAILED TO DISCLOSE THAT YOU DID NOT ALLOW ATTORNEY GOLDBERG TO CONTINUE AS COUNSEL, NOT MERELY BECAUSE OF MY CONCERNS PRESENTED, BUT BECAUSE YOU KNEW SHE ALREADY AGREED TO FILE THE REHEARING, AND YOUR INTENT WAS TO BE SILENT AND IN ACTS OF MACHINATION CONSPIRE WITH THE RESPONDENT TO GET THE COMPROMISED ATTORNEY TO WAIVE THE REHEARING TO SILENCE ME AND TO PREVENT ME FROM PRESERVING JURISDICTIONAL ISSUES FOR S.C. SUPREME COURT REVIEW IS "FRAUD"; PLACING THE S.C. COURT OF APPEALS AND THE STATE OF SOUTH CAROLINA IN FORFEITURE OF THE CAUSE REQUIRING THAT THE CONVICTION BE VACATED DUE TO THE EGREGIOUS DUE PROCESS VIOLATION RENDERING THESE ENTIRE PROCEEDINGS UNCONSTITUTIONAL VOIDING YOUR JURISDICTION. "EX DOLO MALO NON ORITUR ACTIO"-- OUT OF FRAUD NO ACTION RAISES; FRAUD NEVER GIVES A RIGHT OF ACTION. NO COURT SHALL LEND ITS AID TO MAN WHO FOUND HIS CAUSE OF ACTION UPON AN IMMORAL OR ILLEGAL ACT. "FRAUD VITIATES EVERYTHING". SILENCE BY THE COURT, AS AN ACT OF MACHINATION, INTENTIONALLY, PURPOSELY, SILENCING THE APPELLANT BY PLACING THIS COMPROMISED ATTORNEY ON ME WHO IS PARTY TO THIS CONSPIRACY TO PREVENT JURISDICTIONAL FACTS AND EVIDENCE FROM BEING ESTABLISHED IN THE COURT RECORD WILL EQUATE WITH FRAUD WHEN THERE WAS LEGAL AND MORAL DUTY FOR THIS COURT TO SPEAK ON THE JURISDICTIONAL ISSUES I INTENDED TO SUBMIT AND WHICH I DO NOT WAIVE. BY PLACING

THIS COMPROMISED ATTORNEY ON ME YOU CONSPIRED TO SILENCE ME;
OR WHEN INQUIRY LEFT UNANSWERED AS YOU DID PLACING THIS COMPROMISED ATTORNEY ON ME TO CRIMINALLY WAIVE MY RIGHT TO REHEARING, WOULD BE INTENTIONALLY MISLEADING TO ALLOW THE COURT TO MISREPRESENT THE FACTS AND MAKE IT LOOK LIKE THE COMPROMISED ATTORNEY ALONE DID THE ACT, WHEN IN TRUTH ALL OF YOU WERE INVOLVED. THE INQUIRY INTO THE JURISDICTIONAL ISSUES I INTENDED TO RAISE WAS LEFT UNANSWERED TO ALLOW ALL PARTIES AND THE COURT TO FRAUDULENTLY MISREPRESENT THE FACTS IN THIS CASE. FRAUD AND DECEIT WILL RAISE FROM SILENCE, AS THIS COURT DID AS AN ACT OF MACHINATION GETTING THE ATTORNEY TO DROP AND WAIVE MY REHEARING AND MAKE IT APPEAR AS IF YOU WERE NOT INVOLVED WHERE THERE IS DUTY TO SPEAK THE TRUTH AS IT IS ON MY REHEARING ISSUES, AS WELL AS FROM SPEAKING UNTRUTH LIKE YOU MADE IT LOOK AS IF IT WAS THE ATTORNEY ALONE INVOLVED WHEN THE COURT WAS INVOLVED ALSO IN THE FRAUD. PARTY IN INTEREST WILL BECOME LIABLE FOR FRAUD MY MERE SILENT ACQUIESCENCE AND PARTAKING IN THE BENEFITS OF THAT FRAUD, SUCH AS USING IT TO MAKE YOUR JUDICIAL DETERMINATION TO APPOINT THIS ATTORNEY SO YOU COULD REMAIN SILENT AND SILENCE ME. FRAUD IN ITS ELEMENTARY COMMON LAW SENSE OF DECEIT....INCLUDE THE DELIBERATE CONCEALMENT OF MATERIAL INFORMATION, SUCH AS THE JURISDICTIONAL ISSUES I INTENDED TO FILE WHICH DO NOT HAVE TO BE PRESERVED BY A TIMELY OBJECTION THAT ATTACKS THE FRAMEWORK OF THE CRIMINAL PROCEEDINGS PRODUCING CONSTITUTIONAL STRUCTURAL ERROR WHICH CANNOT BE DEEMED HARMLESS, IN A SETTING OF FIDUCIARY OBLIGATION, A PUBLIC OFFICIAL SUCH AS A JUDGE, STATE APPOINTED ATTORNEY OR S.C. ATTORNEY GENERAL IS A FIDUCIARY TO THE PUBLIC... AND IF HE OR SHE DELIBERATELY CONCEALS MATERIAL INFORMATION FROM THEM, LIKE YOU CONCEALED THE FACT THAT THE COURT AND PARTIES WERE CONSPIRING UNDER COLOR OF STATE LAW TO UNJUSTLY DROP AND WAIVE MY RIGHT TO REHEARING TO PREVENT ME FROM ESTABLISHING THE JURISDICTIONAL ISSUES IN THE COURT RECORD, HE OR SHE IS GUILTY OF "FRAUD", 424 F2d. 1021; U.S.-v.-HORTON, R. PRUDDEN, NO. 28140, U.S. COURT OF APPEALS, (5th.Cir.1970); RUBINSTEIN v.-COLLINS, 20 F3d. 160(1990); BRANSON-v.-STANDARD-HARDWARE INC., 874 S.W.2d. 919(1994); BOINDEXTER-v.-GREENHOW, 114 U.S. 270, 303(U.S.1885); MORRISON-v.-GODDINGHAM, 662 P.2d. 155, 135 ARIZ. 480(1983); UNITED-STATES-v.-TWEED, 550 F2d. 297, 299, 300(1977); U.S.-v.-KORN, F.Supp.2d., 2013 WL 2898056(W.D.N.Y.

2013); TONEX-v.-COM. 1998 WL 684203(4th.Cir.1998); SEC-v.-FARMER
F.Supp.3d., 2015 WL 5838867(S.D.Tex.2015); U.S.-v.-MOSBERG,
866 F.Supp.2d. 275 (D.N.J.2011); U.S.-v.-WECHT, F.Supp.2d.,
2008 WL 2223869(W.D.Pa.2008).

A COURT CANNOT CONFER OR ESTABLISH JURISDICTION WHERE NONE EXIST AND OR IS MADE VOID FOR UNCONSTITUTIONAL ACTION AND A COURT CANNOT MAKE A VOID PROCEEDING VALID WHICH PLACES YOU IN FORFEITURE ON THE CAUSE. TO CONSPIRE TO TAKE AWAY REMEDY LIKE MY RIGHT TO REHEARING WHICH IS INDEED AN INTRINSIC, CRUCIAL PART OF DIRECT APPEAL, GIVEN TO THE APPELLANT FOR THE ENFORCEMENT OF CONSTITUTIONALLY PROTECTED RIGHTS IS TO TAKE AWAY THE DUE PROCESS RIGHT ITSELF. SUCH WOULD NOT BE WITHIN THE POWER OR DISCRETION OF THE STATE OR THIS COURT. UNDER FEDERAL LAW WHICH IS APPLICABLE TO THE STATES, THAT IF A COURT OR PARTIES IS "WITHOUT AUTHORITY, SUCH AS DUE TO YOUR FRAUD AND THE STRUCTURAL ERROR RELATED TO THE RIGHT TO ACT PRO SE AND THE COMPROMISING OF LEGAL COUNSEL EVEN AS RELATED TO THE CASE OF WEAVER v.-MASSACHUSETTS, WHICH ARE ALL UNCONSTITUTIONAL VIOLATING DUE PROCESS, ITS JUDGMENTS, AND OR ACTS OR ORDERS ARE REGARDED AS NULLITIES. THEY ARE NOT VOIDABLE, BUT SIMPLY VOID, AND FORM NO BAR TO RECOVERY SOUGHT, EVEN PRIOR TO REVERSAL IN OPPOSITION TO THEM. THEY CONSTITUTE NO JUSTIFICATION, AND ALL PERSONS CONCERNED IN EXECUTING SUCH ACTS, JUDGMENTS OR SENTENCES ARE CONSIDERED IN LAW AS TRESPASSERS". THE LAW DICTATES THAT FRAUD DESTROYS THE VALIDITY OF EVERYTHING IT ENTERS, WHICH INCLUDE THIS ENTIRE DIRECT APPEAL REQUIRING THE CONVICTION BE VACATED SUBJECTING THE STATE TO FORFEITURE ON THE CAUSE, ALSO FOR VIOLATIONS OF YOUR OATH OF OFFICE. THE FRAUD FATALLY EFFECTS EVEN THE MOST SOLEMN ACTS OR JUDGMENTS OR DECREES. LAROUSSE DEFINES FRAUD AS ANY CUNNING DECEPTION OR ARTIFICE USED TO CIRCUMVENT OR DECEIVE ANOTHER, MR. WELLS, IN HIS VERY WORK ON RES JUDICATA SAYS SEC. 499, "FRAUD VITIATES EVERYTHING", ELLIOTT-v.-PIERSOL, 1 PET. 328, 340, 26 U.S. 328, 340(U.S.1828); NUDD-v.-BURROWS, 91 U.S. 667-683(U.S.1875); U.S.-v.-THROCKMORTON, 98 U.S. 61-67(U.S.1871); WELLS-FARGO-BANK-N.A.-v.-FARAG, 2016 WL 2944561 (2016); 24-SENATORIAL-DIST.-REPUBLICAN-COMMITTEE-v.-ALCORN, 820 F3d. 624(4th.Cir.2016); TRINSEY-v.-RAGLIARO, 229 F.Supp. 647(D.C.Pa.1964); MYLES-v.-DOMINO'S-PIZZA,-LLC., 2017 WL 238436

INASMUCH, NOT ONLY DO THE APPELLANT MOTIONS TO RELIEVE COUNSEL AND ACT PRO SE. BUT IN TRUTH, DUE TO THE FRAUD UPON THE COURT, IN FUNDAMENTAL FAIRNESS TO THE APPELLANT, THE CONVICTION AND SENTENCE MUST BE VACATED DUE TO THE FRAUD VITIATING EVERYTHING IT ENTERS INCLUDING THE DIRECT APPEAL ITSELF RENDERING THE PROCEEDINGS UNCONSTITUTIONAL AND VOID FOR DUE PROCESS VIOLATION. DESPITE ANY RIGHT AND OPPORTUNITY FOR REHEARING BEING GIVEN TO ALLOW THE JURISDICTIONAL ISSUES TO BE PLACED ON THE RECORD BY THE APPELLANT, WHICH FOR THE RECORD I STILL RESERVE THAT RIGHT. I ALSO MOTION TO VACATE THE CONVICTION AND SENTENCE DUE TO THE FRAUD PLACING ALL IN FORFEITURE AND DO NOT WAIVE ANY DUE PROCESS RIGHT ESTABLISHED BY LAW. I MOTION FOR A RULING ON THE VACATING OF THE CONVICTION BEFORE THIS CASE PROCEED ANY FURTHER. YOUR OATH OF OFFICE IS A QUID PRO QUO CONTRACT UNDER U.S. CONST. ARTICLE 6 Cl. 2 AND 3, DAVIS-V.-LAWYERS-SURETY-CORPORATION, 459 S.W.2d. 655 Tex. App., IN WHICH CLERKS, OFFICIALS AND OFFICERS OF THE STATE AND OR FEDERAL GOVERNMENT PLEDGE TO PERFORM, SUPPORT AND UPHOLD THEIR STATES CONSTITUTIONS AND THE U.S. CONSTITUTION WITH ITS MANDATES AND PROHIBITIONS IN RETURN FOR SUBSTANCES SUCH AS WAGES, PERKS AND BENEFITS. THE UNITED STATES SUPREME COURT HAS HELD THAT NO STATE, NOR LEGISLATOR, NOR EXECUTIVE, NOR JUDGE CAN WAR AGAINST THE CONSTITUTION WITHOUT VIOLATING HIS UNDERTAKING TO SUPPORT IT WHICH IS THE HEART OF YOUR OATHS OF OFFICE. BY WARRING AGAINST THE CONSTITUTION YOU'VE ENGAGED IN TREASONOUS ACTS OBSTRUCTING JUSTICE AND DENYING ME THE EQUAL PROTECTION OF THE LAWS. REFUSING TO LIVE BY YOUR OATHS OF OFFICE PLACES YOU IN DIRECT VIOLATION OF THAT OATH OF OFFICE IN EVERY CASE. 5 U.S.C. §§ 3331, 3333, 7311; S.C. RULE 502.1; COOPER-V.-AARON, 358 U.S. 1, 78 S.Ct. 1401(U.S.1958); IN-RE-NEELY, 390 P.3d. 728, 2017 Wy. 25; AUERBOCK-V.-SAMUELS, 10 UTAH. 2d. 152, 349 P.2d. 1112, 1114; ALLEGANY-CORP.-V.-KIRBY, D.C.N.Y. 218 F.Supp. 164, 183; KEETON-BACKING-CO.-V.-STATE, 437 S.W. 20, 28; U.S.-V.-EGCLESTON,--Fed. Appx'--, 2015 WL 4591890 CA4 (Md.2015); U.S.-V.-WELLS, 578 Fed. Appx' 234 CA4 (Va.2014); SMITH-V.-CLARK/-SMOOT/-RUSSELL,--F3d.--, 2015 WL 4717932 CA4 (Md.2015); U.S.-V.-HARE, 820 F3d. 93 (4th.Cir.2016); DONATONI V.-DEPARTMENT-OF-HOMELAND-SECURITY,--F.Supp.3d.--, 2016 WL

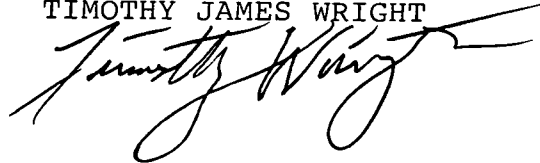
1755871; WHITE-V.-MANIS, 2014 WL 1513280(DSC.2014); U.S.-V. ALEDEKCHA, 2010 WL 4054267(D.C.Md.2010); UNITED-STATES-V.-WILL, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d. 392, 406(1980).

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON ISSUES SUCH AS THE ONES BEING ARGUED IN THIS CASE. IF RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDE FRAUD. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDINGS, CONFIRMING THAT "FRAUD VITIATES EVERYTHING". AN UNCONSTITUTIONAL LAW AND OR ACT AND OR JUDICIAL DETERMINATION IS "VOID" AND IS AS IF THERE WERE NO LAW OR ACT OR JUDICIAL DETERMINATION MADE OR DONE AT ALL, BEING A STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR STATUTE AND OR ACT AND OR LEGISLATIVE PROVISION OF LAW, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS "WHOLLY VOID" AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE CONDUCTING A DIRECT APPEAL IN THIS CASE, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT AND OR WHEN THE ACT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LAW AND OR ACT IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (THERE IS NO DUTY TO REGARD IT AS VALID.), CONFERS NO RIGHTS (YOU NO LONGER HAVE A RIGHT TO THIS DIRECT APPEAL OR THE CONVICTION PLACING YOU IN FORFEITURE DUE TO THE FRAUD.), CREATES NO OFFICE (JUDICIAL, STATE APPOINTED ATTORNEY, S.C. ATTORNEY GENERAL.), BESTOWS NO POWER OR AUTHORITY ON ANY PERSON [EMPHASIS ADDED] (WHICH MEANS YOUR JURISDICTION IS MADE VOID.), AFFORDS NO PROTECTION (YOU ARE NOT IMMUNE IF YOU FAIL TO CORRECT THIS AND VACATE THE SENTENCE NOW NOTIFIED OF THE WRONG.), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (THIS INCLUDES ESTABLISHING A DIRECT APPEAL OR THE CONVICTION ATTACHED TO IT.)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE BY YOUR ACTS OF FRAUD UPON THE COURT. AN UNCONSTITUTIONAL LAW CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW. INDEED INSOFAR AS A JUDICIAL DETER-

MINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR
ACT RUN COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S.
CONSTITUTION, DUE PROCESS LAW.), IT IS SUPERSEDED THEREBY. NO
ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL JUDICIAL DETER-
MINATION OR LAW OR ACT AND NO COURTS ARE BOUND TO ENFORCE IT.
ALL LAWS, JUDICIAL DETERMINATIONS (LIKE YOU APPOINTING THIS
COMPROMISED ATTORNEY TO BE SILENT AND SILENCE ME ON JURISDIC-
TIONAL ISSUES THAT DO NOT HAVE TO BE PRESERVED BY TIMELY OBJEC-
TION.), RULES, STATUTES AND PRACTICES (LIKE THE FRAUD AND MACHI-
NATION YOU JUST ENGAGED IN.), WHICH ARE REPUGNANT TO THE CONSTI-
TUTION ARE "NULL" AND "VOID", MARBURY-V.-MADISON, 5TH. U.S.
(2 CRANCH) 137, 180; VINES-V.-UNITED-STATES, 28 F3d. 1123 CRIM.
LAW 1163(1), 1165(1); ROBINSON-V.-ARXONIO, 27 F3d. 877 REHEARING
DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186,
131 L.Ed.2d. 129; LOUMIET-V.-UNITED-STATES, 65 F.Supp.3d. 19
(2014); JOHNSON-V.-UNITED-STATES, --S.Ct.--, 2015 WL 2473450(U.S.
2015); MONTGOMERY-V.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d.
599, 84 U.S.L.W. 4063(U.S.2016); GEET-OUTDOORS-LLC.-V.-CONSOLI-
DATION-CITY-OF-INDIANAPOLIS**, 187 F.Supp.3d. 1002, 1012, S.D.
Ill.; HILL-V.-SNYDER, 821 F3d. 763, 765+ (6th.Cir.MICH.); PEOPLE
V.-SOLO, N.E.3d., 2017 WL 1838423(2017); 24-SENATORIAL-DIST.
REPUBLICAN-COMMITTEE-V.-ALCORN, 820 F3d. 624(4th.Cir.2016).

RESPECTFULLY,

TIMOTHY JAMES WRIGHT



MARCH 19, 2018



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 7, 2018

Mr. Timothy James Wright #354842
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Wright:

** /*
Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. I am not sure if Kristi Goldberg has already spoken with you, but the Court found the trial attorney waived any objection to the trial court's consideration of the prior incident reports. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that **you** comply with it. Please understand *it is your responsibility alone to be sure the enclosed PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction.** There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/cnp
Enclosure: Post-Conviction Relief Application

TIMOTHY JAMES WRIGHT
#354842 WANDO A-112
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472

IN RE: CASE 2015-000636

RECEIVED
MAR 23 2018
SC Court of Appeals

TO: THE S.C. COURT OF APPEALS,

THE ATTACHED DOCUMENT IS BEING FILED TO CHALLENGE THE S.C. COURT OF APPEALS JURISDICTION TO LEAVE STATE APPOINTED COUNSEL ON ME AND TO MOTION TO RELIEVE COUNSEL. THERE ARE TWO COPIES OF THE DOCUMENT SENT TO YOU. PLEASE FILE ONE COPY AND THEN CLOCK STAMP THE SECOND COPY SO THAT I WOULD HAVE A CLOCKED STAMPED COPY FOR MY RECORDS. FOR THIS I WOULD BE GRATEFUL. THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,
TIMOTHY JAMES WRIGHT

MARCH 20, 2018