

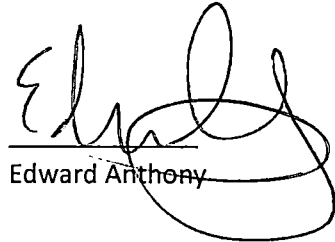
Edward Anthony
2210 Bungalow Rd
Augusta, Ga 30906

RECEIVED
MAY 07 2018
S.C. SUPREME COURT

To whom it may concern:

This is Edward Anthony and I see a problem at hand. In my I have Constitutional Rights that clearly state, that I can petition the courts at any time. I wrote the courts and North Augusta at 537 Edgefield Rd, North Augusta, SC 29841. But as all ways they failed to write back. So you that I have been trying sometime to get this matter corrected.

Please in thank you all


Edward Anthony

To: South Carolina
Supreme Court
1231 Gervais St
Columbia, SC 29201

Study sees injustice in SC's lower courts

Defendants not told of rights, study says

Is choice of paying a fine or doing jail time creating a debtors' prison?

Beaufort woman cited for failing to appear at her trial — while she was in being held in county jail

BY TIM SMITH
tsmith@greenvillenews.com

Many defendants in South Carolina's lower courts are not advised of their constitutional rights, trials are held without any lawyer present in the courtroom and those found guilty are sometimes given the choice of paying a fine they cannot afford or going to jail, in effect creating a debtors' prison, a national study of the state's magistrate and municipal courts has found.

The study, "Summary Injustice," by the American Civil Liberties Union and the National Association of Criminal Defense Lawyers, was issued Monday following observations

by attorneys in 27 lower courts in December 2014 and July 2015.

South Carolina has about 319 magistrates and about 200 municipal courts, called summary courts, that handle misdemeanor charges ranging from traffic violations to shoplifting and drug possession.

The report paints a bleak picture of what can happen to poor and unrepresented defendants in the state's lower courts, where often no lawyer is present, cases are sometimes prosecuted by police and thousands face criminal charges that can send them to jail for 30 days with a criminal record.

Among the report's other findings are that the courts often fail to inform defendants

of their right to counsel and refuse to provide counsel to the poor at all stages of the criminal process.

"When you go to a summary court in South Carolina, you find yourself in a judicial netherworld where the police officer who made the arrest acts as the prosecutor, the judge may not have a law degree, and there are no lawyers in sight," said Susan Dunn, legal director of the ACLU of South Carolina. "By operating as if the Sixth Amendment doesn't exist, these courts weigh the scales of justice so heavily against defendants that they often receive fines and jail time they don't deserve."

Magistrates and municipal judges are not required to hold law degrees in South Carolina. Newly appointed magistrates must have a four-year degree and both types of judges must undergo

training and certification exams. Magistrates who are not attorneys must observe 10 trials before handling one of their own.

Summary judges are provided with a manual that offers information about procedures, how the court system works and a defendant's rights. In fact, the state requires all magistrates and municipal judges to use a checklist when handling criminal cases. In those cases in which a jail sentence is likely, judges are required to inform defendants of their right

SEE COURTS, 7A



FILED Feb 2 2017
Robert H. White
Clerk & G.S.

Edward A. Arthom
Deputy Clerk of G.S.

Edward Arthom

Exhibit

1

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S.C. SUPREME COURT

The Double Jeopardy

Clause of the **Fifth**

Amendment to

the United States

Constitution and

Violation of Rights

Richard
C.C.P. & G.S.

LSPT 3-28-16

Latoya Thomas
Deputy Clerk

In under the ~~Double~~ Jeopardy Clause of the 5th Amend
 guarantees that No person shall be subject for the same offense
 twice or the second time. Putting in jeopardy of
 life or limb. Im talking about the second conviction
 of shoplifting on 10/24/11 of the 2ND offense. In I was
 convicted in my absents of 03/06/2012. The Courts never
 sent me a letter or warrant, telling me, to appear in
 Court, and if I didnt, They would try me in my
 absent, thats unconstitutional, and a violations of
 my Civil rights and Equal Protective right, created by
 the United States. In the 14th Amendments Due Process
 Clause extends the Double Jeopardy Clause protections
 to state prosecution. See *Benton v Maryland*, 395 U.S. 784.
 794 (1969), *Nev. Talarcon v. State*, 721 P.2d 764. It protects
 against the same multiple offense, U.S. Constitution
 amendment 5th prohibition of Double Jeopardy applies
 not only to life or limb, "But to prison sentences
 and criminal fines as well, See *Jeffers v. U.S.*, 432 U.S.
 37, 155 (1977). *State v. Hill*, 254 S.C. 321, 175 S.E.2d 227 (1970)
 My Constitutional Safeguard is imposed. See *State v.*
Truby (S.C. 1977) 269 S.C. 25, 236 S.E.2d 33. Double Jeopardy.

C/10

FILED Feb 2 20 17

Robert L. White
C.C.P. & G.S.

Sherry S. Lanning
Deputy Clerk

State of South Carolina
County of Aiken/North Augusta

Edward R. Anthony

Vs.

State of South Carolina

IN THE COURT OF SUPREME COURTS

C/A NO. M-035590; AND 55533-FA

FILED Feb 2 20 17

Robert J. White
C.C.P. & G.S.

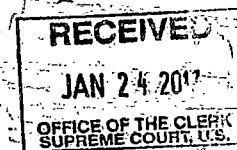
Sherry S. Sangley
Deputy Clerk

"Motion For Declaratory Judgment"

Statement of Case

Come now, Petitioner, Edward Anthony, Moving this Honorable Court For Declaratory Judgment in the case of Indictment # M-035590 AND Indictment # 55533-FA. The Petitioner has been tried for same place crime at Gregg's Gas Plus. The Petitioner has Plead Guilty to one Shoplifting on October 24, 2011 and on November of 09, 2011. The Petitioner was Arrest for the same charge and place.

The Petitioner, is asking, is trying to find out about the Double Jeopardy violation, and a civil forfeiture and criminal prosecution by it being separate proceedings, do it deprives the Petitioner of his rights. Thus the Double Jeopardy Clause prohibits the state from indicting the Petitioner twice for theft or by naming a different employee as to testify about property not in the Petitioner's possession at the time of the alleged crime. In charge underlying the offense of larceny once convicted for the same crime thus it still violates the Petitioner's Equal Rights and civil rights. But if the prosecution charge the Petitioner after acquittal or conviction. Thus Each charge protects the Petitioner from continued



Embarrassment and expense of the second prosecution, while decreasing the risk of an erroneous conviction or an impermissibly enhanced sentence.

When the judge erred and convicting the Petitioner on a legislative intent to impose cumulative punishments not clearly established, therefore (1) one of the defendant's convictions must be set aside or vacated, barred by the Double Jeopardy Clause.

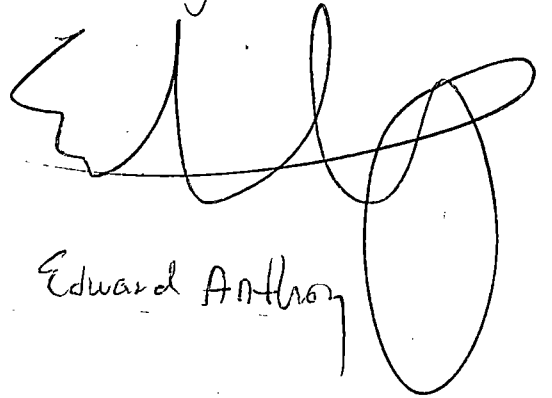
In the Petitioner is sending his Burden of Proof, the evidence of nontrivial claim that the (2) two charges contain the same identical elements. The Petitioner has suffered full punishment for the offense and can't be subject to another charge, when he pleaded guilty to it once.

* Conclusion *

Petitioner willfully states to the Courts that he in know wise considers himself to be Equal to any of the officers of the Court who sacrifice their time to study and become proud recipients of Law Degrees that boast their Accomplishments in this field; When there is a injustice System in the Courts of South Carolina by them failing to protect the Petitioner Constitutional Right.

However, the Petitioner pray this Court would correct it upon its jurisdiction to do so, because there is a Prima Facie showing that his Rights have been Violated.

Respectfully Submitted

A handwritten signature in black ink, consisting of a series of loops and curves, appearing to be the name Edward Anthony.

Edward Anthony

FILED Feb 2 2011
 Robert H. White
 C.C.R. & C.S.
 Sherry S. Grayson
 Deputy Clerk

CITY OR COUNTY OF <u>Aiken</u>		VERSUS	
FIRST NAME <u>Edward</u>	MIDDLE NAME <u>Rodriguez</u>	LAST NAME <u>Anthony</u>	
STREET AND NO. <u>2210 Bunculow Rd</u>		CITY <u>Augusta</u>	STATE <u>GA</u>
STATE LICENSED <u>GA</u>		DRIVER'S LICENSE NO. <u>045 45 05 30</u>	DRIVE CLASS <u>C</u>
VEH. LIC. NO.	STATE	MAKE OF VEH.	YEAR
		AUTO	15 PSOR VEH.
		HAZ. MT.	MOPED
		MTRCYCL	OTHER
YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER			
NAME OF TRIAL OFFICER <u>Edmonds</u>		STREET AND NO. <u>537 Edge Fed Rd</u>	
DATE OF TRIAL <u>11/09/2011</u>		CITY <u>Augusta</u>	
VIOLATION - COURT APPEARANCE REQUIRED (YES/NO) <u>NO</u>		VIOLATION SECTION NO. <u>11613-110(1)</u>	
OWNER OF VEHICLE <u>Sherry S. Grayson</u>		DATE OF ARREST <u>10/24/2011</u>	
ADDRESS OF OWNER		DATE OF VIOLATION <u>10/24/2011</u>	
NAME OF ARRESTING OFFICER <u>J. Roberts</u>		RANK <u>DET</u>	
DESCRIPTION OF ACCUSED <u>1994 Buick Wildcat</u>		COUNTY <u>Aiken</u>	
DATE BAIL RECD. BY		DISTRICT <u>01</u>	
CASE BEFORE		TIME OF VIOLATION <u>2:10 AM</u>	
MAGISTRATE <input checked="" type="checkbox"/> MUN. COURT <input type="checkbox"/>		WEATHER <u>CLR</u>	
CIRCUIT COURT <input type="checkbox"/> FAMILY COURT <input type="checkbox"/> FEDERAL COURT <input type="checkbox"/>		DISTANCE IN FEET FROM INTERSECTION <u>1013 Jefferson Dr</u>	
NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE		CITY <u>North Augusta</u>	
DEPENDANT: DID NOT APPEAR <input checked="" type="checkbox"/> APPEARED <input type="checkbox"/>		MILES <u>1.3</u>	
NOLE PROCESSED <input type="checkbox"/> DISPOSITION		HWY NO.	
FORFEITED BOND <input type="checkbox"/> PLED: NOLO CONTENDERE <input type="checkbox"/>		CITY	
TRIAL BY: TRIAL OFFICER <input checked="" type="checkbox"/> JURY <input type="checkbox"/>		DATE OF TRIAL IF ANY <u>3/6/12</u>	
VERDICT OF GUILTY <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/>		Lat	
TRIAL IF ANY		Long	
AMOUNT OF FINE <u>\$230</u>		OFFENSE CODE <u>528</u>	
AMOUNT COLLECTED <u>0230</u>		B.A. LEVEL <u>55533 FA</u>	
AMOUNT SUSPENDED <u>30 Days</u>		DATE <u>3/6/12</u>	
COMMITTED TO <u>Judge White</u>		OFFENSE CODE <u>55533 FA</u>	
CERTIFIED CORRECTIONARY		DATE <u>3/6/12</u>	
TRIAL OFFICER'S COPY			
<u>2-1</u>		<u>11-067439</u>	

M-035590

STATE OF SOUTH CAROLINA

County/ Municipality of
Aiken

THE STATE 11-067969
against

Edward Rodriquez Anthony
Address: 2210 Bungalow Rd
Augusta, GA 30906

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 Weight: 321
DL State: GA DL #: _____
Agency ORI #: SC0020000
Prosecuting Agency: Aiken County Sheriff
Prosecuting Officer: Dep. Molly Isom Hahn - 5760
Offense: Shoplifting / Shoplifting, value \$2,000 or less

Offense Code: 0528
Code/Ordinance Sec: 16-13-0110(B)(1)

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

(L.S.)
Signature of Judge _____

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Edward Rodriquez Anthony
on 12/7/11

Justin Lewis 5653
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
North Augusta Summary Court
537 Edgefield Road
P O Box 6493
North Augusta, SC 29841

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

Apr 21, 2003
SCCA 518

County/ Municipality of _____)
Aiken)

Personally appeared before me the affiant Dep. Molly Isom Hahn who
being duly sworn deposes and says that defendant Edward Rodriquez Anthony
did within this county and state on or about 10/06/2011 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Aiken)
in the following particulars:
DESCRIPTION OF OFFENSE Shoplifting / Shoplifting, value \$2,000 or less

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:

That between October 6, 2011 and October 24, 2011 in the county of Aiken, one Edward Rodriquez Anthony did take possession of
and/or carry away several cases of beer and a case of powerade, valued at \$2000 or less, merchandise of Gregg's Gas Plus located
at 6034 Jefferson Davis Highway North Augusta, S.C. with the intention of depriving the merchant of the possession of such
merchandise without paying the full retail value.

Signature of Affiant Molly Isom Hahn 5760

STATE OF SOUTH CAROLINA)
 County/ Municipality of _____)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/6/2011 defendant Edward Rodriquez Anthony
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Shoplifting, value \$2,000 or less

Having found probable cause and the above affiant having sworn before me, 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
Sworn to and subscribed before me)

on 10/26/2011)
Judge's Address Post Office Box 40
New Ellenton, SC 29809 (L.S.))
Judge's Telephone (803)652-3609)
Judge's Name Patrick Dorn Sullivan)
Issuing Court: Magistrate Municipal Circuit)
Judge Code: 5035)

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Public Defender for the Second Judicial Circuit

211 York Street, N.E.
Post Office Drawer 2247
Aiken, South Carolina 29801

De Grant Gibbons, Circuit Public Defender

February 14, 2017

FEB 22 2017

Mr. Edward Anthony, 363714
T.C.I
84 Greenhouse Road
Trenton, SC 29847

Re: Double Jeopardy and Jail Credit


Dear Mr. Edward Anthony:

I am in receipt of the letter you sent to the Circuit Court regarding the Double Jeopardy issue you may have. I have reviewed the ticket and the warrant that you included in your letter and it appears there may have been an issue with these two charges. However, you will need more information to assess if these charges were in fact the same incident or did Greg's Gas Plus claim there were two separate shoplifting incidents.

In order for you to determine this you need to send a request to the Records department at the Aiken County Sheriff's office requesting copies of all discovery relating to both of these cases. Their address is 420 Hampton Ave Aiken, SC 29801. When requesting this information please reference the ticket and warrant number for the information that you are requesting so you get the correct information. Once you find out this information then you can find out what and if there is anything you can do.

Also, I am in receipt of a letter you sent requesting jail credit. I met with the City of North Augusta Solicitor to discuss your case. He has made an offer that if you plea guilty to these charges the City of North Augusta would sentence you to time served. However, these charges would be on your criminal record. I have scheduled an appointment to come and see you to discuss these pending charges. Also, I recently received 3 DVD's from the City of North Augusta from the Belk store regarding this alleged incident. We will review them when I come and visit you.

I hope this information was helpful, if you need anything further please do not hesitate to contact me.

Sincerely,

Suzanne Hayes
Aiken County Public Defender

Telephone: (803) 642-1732

Fax: (803) 642-1739

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MAY 07 2018
S.C. SUPREME COURT

DEFENDANT'S BRIEF

IN SUPPORT OF

MOTION TO DISMISS

Case number: M-035590 and 55533FA

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

Edward Anthony,

Defendant.

NOW COMES the Defendant, by and through uncounsel, and respectfully submits the following brief in support of the Defendant's Motion to Dismiss.

STATEMENT OF THE ISSUES

1. The subjection of an individual to a second trial or punishment for the same offense or crime for which he has already been tried or punished.
2. Once Jeopardy has attached, the State unilaterally declare a mistrial?
3. Can the State be granted a mistrial, despite the fact that the Court entered no Findings of Fact, nor any Conclusions of Law which could allow for a mistrial to be properly entered, and none was entered on the official Court Minutes?

STATEMENT OF THE ARGUMENT

Issue 1

The subjection of an individual to a second trial or punishment for the same offense or crime for which he has already been tried or punished.

Black's law dictionary defines former jeopardy as a plea that a person cannot be tried for an offense more than once. Double jeopardy is a fundamental common law and constitutional right of a defendant that affords protection against being tried again for the same offense. Black's Law Dictionary, 6th Ed.

In United States v. Felix 503 U.S. 378 (1992), the U.S. Supreme Court ruled: "a[n]...offense and a conspiracy to commit that offense are not the same offense for double jeopardy purposes."^{[3][4]}

Sometimes the same conduct may violate different statutes. If all elements of a lesser offense are relied on to prove a greater offense, the two crimes are the "same offense" for double jeopardy purposes, and the doctrine will bar the second prosecution. In Blockburger v. United States, 284 U.S. 299 (1932), the Supreme Court held that "where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of an additional fact which the other does not".^[5] The test was applied in Brown v. Ohio, 432 U.S. 161 (1977), where the defendant had first been convicted of operating an automobile without the owner's consent, and later of stealing the same automobile. The Supreme Court concluded that the same evidence was necessary to prove both offenses, and that in effect there was only one offense. Therefore, it overturned the second conviction.

In other cases, the same conduct may constitute multiple offenses under the same statute, for instance where one robs many individuals at the same time. There is no explicit bar to separate prosecutions for different offenses arising under the same "criminal transaction", but it is not permissible for the prosecution to re-litigate facts already determined by a jury. In Ashe v. Swenson, 397 U.S. 436 (1970), the defendant was accused of robbing seven poker players during a game. John Ashe was first tried for, and acquitted of, robbing only one of the players; the defense did not contest that a robbery actually took place. The state then tried the defendant for robbing the second player; stronger identification evidence led to a conviction. The Supreme Court, however, overturned the conviction. It was held that in the first trial, since the defense had not presented any evidence that there was no robbery, the jury's acquittal had to be based on the conclusion that the defendant's alibi was valid. Since one jury had held that the defendant was not present at the crime scene, the State could not re-litigate the issue.

In the instant matter, Defendant was properly charged, via citation, with driving while impaired, speeding to endanger, driving while license revoked, and possession of a revoked driver's license. Thus, element (1) is met. On October 06, 2011, Defendant was arraigned by the assistant district attorney and entered a plea of not guilty in the District Court. Thus, elements (3) and (4) are met. Subsequently, the Honorable Edmonds called the matter trial and the State proceeded with trial after I requested a public testified on behalf of the state. Thus elements for the alleged charge was never meet.

Issue 2

The defendant may not be punished twice for the same offense. In certain circumstances, however, a sentence may be increased. It has been held that sentences do not have the same "finality" as acquittals, and may therefore be reviewed by the courts.^[citation needed]

The prosecution may not seek capital punishment in the retrial if the jury did not impose it in the original trial. The reason for this exception is that before imposing the death penalty the jury has to make several factual determinations and if the jury does not make these it is seen as the equivalent of an acquittal of a more serious offense.

In *Arizona v. Rumsey*, 467 U.S. 203 (1984), a judge had held a separate hearing after the jury trial to decide if the sentence should be death or life imprisonment, in which he decided that the circumstances of the case did not permit death to be imposed. On appeal, the judge's ruling was found to be erroneous. However, even though the decision to impose life instead of death was based on an erroneous interpretation of the law by the judge, the conclusion of life imprisonment in the original case constituted an acquittal of the death penalty and thus death could not be imposed upon a subsequent trial. Even though the acquittal of the death penalty was erroneous in that case, the acquittal must stand.

Double jeopardy also does not apply if the later charge is civil rather than criminal in nature, which involves a different legal standard (crimes must be proven beyond a reasonable doubt, whereas civil wrongs need only be proven by preponderance of evidence or in some matters, clear and convincing evidence). Acquittal in a criminal case does not prevent the defendant from being the defendant in a civil suit relating to the same incident (though *res judicata* operates within the civil court system). For example, O. J. Simpson was acquitted of a double homicide in a California criminal prosecution, but lost a civil wrongful death claim brought over the same victims.^[12]

If the defendant happened to be on parole from an earlier offense at the time, the act for which he or she was acquitted may also be the subject of a parole violation hearing, which is not considered to be a criminal trial. Since parolees are usually subject to restrictions not imposed on other citizens, evidence of actions that were not deemed to be criminal by the court may be re-considered by the parole board. This legal board could deem the same evidence to be proof of a parole violation. Most states' parole boards have looser rules of evidence than is found in the courts – for example, hearsay that had been disallowed in court might be considered by a parole board. Finally, like civil trials parole violation hearings are also subject to a lower standard of proof so it is possible for a parolee to be punished by the parole board for criminal actions that he or she was acquitted of in court.

In the American military, courts-martial are subject to the same law of double jeopardy, since the Uniform Code of Military Justice has incorporated all of the protections of the U.S. Constitution. The non-criminal proceeding non-judicial punishment (or NJP) is considered to be akin to a civil case and is subject to lower standards than a court-martial, which is the same as a civilian court of law. NJP proceedings are commonly used to correct or punish minor breaches of military discipline. If a NJP proceeding fails to produce conclusive evidence, however, the commanding officer (or ranking official presiding over the NJP) is not allowed to prepare the same charge against the military member in

question. In a court-martial, acquittal of the defendant means he is protected permanently from having those charges reinstated.

The most famous American court case invoking the claim of double jeopardy is probably the second murder trial in 1876 of Jack McCall, killer of Wild Bill Hickok. McCall was acquitted in his first trial, which Federal authorities later ruled to be illegal because it took place in an illegal town, Deadwood, then located in South Dakota Indian Territory. At the time, Federal law prohibited all except Native Americans from settling in the Indian Territory. McCall was retried in Federal Indian Territorial court, convicted, and hanged in 1877. He was the first person ever executed by Federal authorities in the Dakota Territory.

1. Once Jeopardy has attached, may the State unilaterally declare a mistrial, without giving proper justification, and making a motion for mistrial upon which a Judge must rule?

Now concluding that Jeopardy has attached on the above styled matters, the remaining issue is whether a mistrial could be properly declared without motion by the State, but rather through the assistant district attorney's unilateral declaration.

The granting of a mistrial by the presiding judge on motion by the State is proper only in very limited circumstances:

1. Upon motion of the State, the judge may declare a mistrial if there occurs during the trial, either inside or outside the courtroom, **misconduct resulting in substantial and irreparable prejudice to the State's case and the misconduct was by a juror or the defendant, his lawyer, or someone acting at the behest of the defendant or his lawyer**. If there are two or more defendants, the mistrial may not be declared as to a defendant who does not join in the motion of the State if:

(1) Neither he, no lawyer, nor a person acting at his or his lawyer's behest participated in the misconduct; or

(2) The State's case is has committed prejudiced to him.

Clearly, in the instant matter, the State's unilateral declaration of a mistrial is fatally flawed in more ways than one. First, the State failed to make a motion to the court moving for a mistrial. Rather, Assistant District Attorney unilaterally, without consent of the Judge or Defense counsel, attempted to declare a mistrial, and unilaterally terminated any further proceedings that day. The State has the absolute discretion to terminate a trial at any point prior to the final entry of Judgment, when the matter is then in the Court's hands. However, if the State chooses to unilaterally terminate the trial after Jeopardy has attached, it is barred from further prosecution.

Issue 3

1. Can the State be granted a mistrial, despite the fact that the Court entered no Findings of Fact, nor any Conclusions of Law which could allow for a mistrial to be properly entered, and none was entered on the official Court Minutes?

Even if it is assumed that the State had valid grounds to argue for a mistrial in compliance no such argument was made, no findings of fact were made, and no conclusions of law were made. Furthermore, no Order of mistrial was entered on the Judgment, nor on the shuck, nor on the Court Minutes.

In order for a mistrial to be proper, "[b]efore granting a mistrial, the judge must make finding of facts with respect to the grounds for the mistrial and insert the findings in the record of the case. The judge made erred. There are two other instances where a mistrial may be declared, but only when there is a motion made to the court.

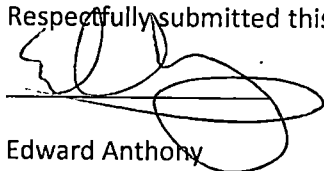
Mistrial for prejudice to defendant.

Upon motion of a defendant or with his concurrence the judge may declare a mistrial at any time during the trial. The judge must declare a mistrial upon the defendant's motion if there occurs during the trial an error or legal defect in the proceedings, or conduct inside or outside the courtroom, resulting in substantial and irreparable prejudice to the defendant's case.

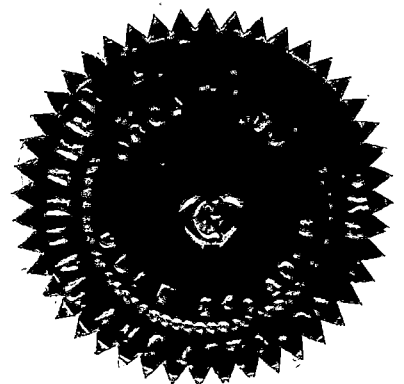
Furthermore, neither party consented that any Order could be issued later out of term or out of session.

As a result of the proceedings, and because none of the above referenced statutes were followed or even applicable, this Court must find that Jeopardy attached in the matters.

Respectfully submitted this the 1st day of May, 2018.



Edward Anthony
Defendant



Edward Anthony
2210 Bungalow Rd
Augusta, Ga 30906

South Carolina
Supreme Court
1231 Garvais St
Columbia, SC 29201

