

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY  
COURT OF COMMON PLEAS

The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2016-002367

**RECEIVED**

AUG 21 2018

SC Court of Appeals

Cedric L. Woods, # 265789,

Appellant,

v.

State of South Carolina,

Respondant.

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**APPELLANT'S AMENDED INITIAL REPLY BRIEF**

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The Appellant concedes that this appeal stems from the denial of his Motion for Declaratory Judgment case in 2014. He also concedes that the trial court was vested with jurisdiction to try his case. Also, he is not challenging the sufficiency of the indictments against him, but is challenging that the indictments were fraudulent and that the grand jury that returned them was without jurisdiction and as such, an illegal body and was void and a nullity as were the indictments it returned, which failed to give the required notice demanded by due process of law.

Prima facie evidence right on the faces of the indictments complained of shows that not only were they fraudulent, as the dates signed by the foreperson were four and ten days prior to the terms of court stated on the face and the terms are themselves in conflict with State law. See § 14-5-630(i)

There was no term of general sessions for Aiken County on these dates, however, as mandated by the Legislature, there were terms of court for the Aiken County Court of Common Pleas on each of those dates. Since both general sessions and common pleas courts cannot convene at the same time in the same county, this is evidence of fraud and a lack of jurisdiction of the grand juries.

The court of common pleas is vested with no authority to take any actions on matters pertaining to return of true bill indictments. Thus there is no grant of concurrent jurisdiction and therefore no true bill criminal indictments can be lawfully issued through grand jury proceedings held before a court of common pleas. See *Dove v. Gold Kist Inc.*, 442 SE2d 598, @600, (1994).

*St. v. McClure*, 289 SE2d 158, (1998). "No indictment may be true billed when the circuit court lacks jurisdiction since the grand

jury is co-extensive with the criminal jurisdiction of the court it is impaneled and for which it is to make inquiry"

"The law requires presentment of a grand jury as a condition precedent to the trial of a crime..., *St. v. Beacham*, 342 SE2d 597, (1986) - A conviction obtained without presentment of a grand jury will be voided on appeal." *St. v. Hann*, 12 SE2d 720 (1940) See also S.C. Const. art I, § 11.

Hann, went on to say, "[t]he same principle, ... applies to an attempted conviction without the verdict of a petit jury. As we apprehend, it is the application of this principle that the courts hold... that those who acted as either grand jurors or petit jurors, are so contrary to the law that either jury cannot be said to have any legal existence, the conviction is a nullity."

Post-Gentry, indictments are viewed as "notice documents," and while they do not confer jurisdiction upon the trial court, they have not been dispensed with. In *St. v. Means* 626 SE2d 348, (2006) the Court held that post-Gentry "analysis remains largely the same as it did under pre-Gentry law, although it is now driven by concepts of notice and due process. A defendant has a constitutional and statutory right to demand a properly constituted grand jury consider his case...."

This Appellant asserts that the two grand juries were impaneled during a court of common pleas, not a court of general sessions, therefore they had no legal jurisdiction as pointed out in *Dove*, supra, and as the Appellant comprehends *Hann*, supra, legally, these grand juries did not exist and thereby he was tried for crimes without presentment of grand juries and his sentences and convictions should be voided.

This Appellant has a very limited amount of time to do research in a very inadequate law library at Allendale Correctional, but has found a legal term that might apply to this case. The term "excess of jurisdiction" might well apply here.

"Excess of jurisdiction, as distinguished from the entire absence of jurisdiction, means that the act, although within the general power of the judge, is not authorized, and therefore void with respect to the particular case, because the conditions which alone authorize the exercise of his general power in that particular case are wanting, and hence the judicial power is not in fact lawfully invoked." - O'Laughlin v Windham, 498 SE2d 689 (Ct.App. 1998) citing 46 Am. Jur. 2d, Judges § 82 and Stv Johnson, 489 SE2d 228, (Ct.App. 1997).

Even though the trial court had jurisdiction in general, the fact that no legal presentment to a legal grand jury existed, a condition precedent to trial, therefore the trial and verdict, as well as the sentence and conviction are voidable.

The State has argued that the Appellant's issue is not preserved for appeal or appellate review. Because jurisdictional claims may be raised at anytime, even for the first time on appeal, or "can be raised sua sponte by [this Court]," the Appellant asserts that this Court is allowed by precedent to hear and decide his claim. See Brown v. St. 570 SE2d 559 (2002) and Anderson v. St. 527 SE2d 398 (Ct. App. 2000).

Similarly to this case, Anderson was appealing the denial of a writ of mandamus asking to compel the clerk of court to provide him "copies of grand jury transcripts, list of jurors who considered his indictment, and documentary proof that the grand jury was qualified by a circuit court judge in open court...." This Court

denied the mandamus, but Anderson had also raised the issue of jurisdiction by requesting a hearing to determine if the trial court that tried him for murder was vested with jurisdiction.

Anderson cited the absence of the term "true bill" on the face of the indictment against him as grounds for the hearing. Like Anderson, this Appellant has had no success in obtaining access to his grand jury documents. This Court remanded Anderson's case for a hearing to determine if his trial court was vested with jurisdiction, and held that "the State shall bear the burden of proving subject matter jurisdiction."

While as stated above, this Appellant concedes that while his trial court had jurisdiction, the grand jury that issued his indictments did not have jurisdiction and were a nullity as were the indictments and as such he was denied his constitutional and his statutory right to demand a properly constituted grand jury and presentment as a condition precedent to trial and the State should as in Anderson, bear the burden of proving otherwise.

### Conclusion

For the foregoing reasons, this Appellant respectfully asks that this Court remand his case for an "Anderson hearing" and that he be appointed counsel for the hearing and that the State be required to prove the legality of his grand jury with sufficient evidence and should it be unable to do so, or if it concedes, that this Court vacate his sentences and convictions and any other such relief as this Court should deem just and fair.

Respectfully submitted,  
Cedric L. Woods, # 265789

Cedric L. Woods, # 265789  
Pro se

## Citations

Anderson v. St.,	527 SE2d 398 (ctof App. 2000)
Brown v St.,	570 SE2d 559 (2002)
Dove v. Gold Kist Inc.,	442 SE2d 598 (1994)
O'Laughlin v Windham,	498 SE2d 689 (ct App 1998)
St v Beacham,	342 SE2d 597 (1986)
st v Hann,	12 SE2d 720 (1940)
St v Johnson,	489 SE2d 228 (1997)
St v Means,	626 SE2d 348 (2006)
St v McClure,	289 SE2d 158 (1982)

46 Am. Jur. 2d, Judges § 82

§ 14-5-630 (1). Terms of court for the 2<sup>nd</sup> circuit

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY  
COURT OF COMMON PLEAS

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Appellate Case No. 2016-002367

Cedric L. Woods, # 265789,

Appellant,

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Respondant.

---

PROOF OF SERVICE

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I certify that I, Cedric L. Woods, # 265789, have on this the 16<sup>th</sup> day of August, 2018, served a copy of my Appellant's Amended Initial Reply Brief to the Attorney General's office and to the South Carolina Court of Appeals.

Respectfully submitted

Cedric L. Woods, # 265789

Cedric L. Woods, # 265789

Pro se

WITNESSES

H. Nimau, A.C.S.O.

DOCKET NO. 2000-GS-02

467-496 <sup>WRG</sup>

1 of 2 Exhibit

The State of South Carolina

County of Aiken

Copy

FILED

*April 19, 2000*  
*[Signature]*  
C.C. & G.S.  
*[Signature]*  
Deputy Clerk

COURT OF GENERAL SESSIONS

February 28, TERM 2000

ARREST WARRANT NUMBER

031704

THE STATE  
vs.

CEDRIC LLOYD WOODS

Court

ACTION OF GRAND JURY

*[Signature]*

*[Signature]*

Foreperson of Grand Jury

Date: February 24, 2000

VERDICT

Indictment for

BURGLARY IN THE FIRST DEGREE

SC Code: 16-11-311(A)(1)(a)

CDR Code: 079

Class FEL-EXM(V)

Foreperson of Petit Jury

Date:



**WITNESSES**

H. Nimau, A.C.S.O.

FILED

*April 19 2000*

*L. J. Godard*

CLERK

*Paul B...*

DEPUTY CLERK

**ARREST WARRANT NUMBER**

ect Indictment

**ACTION OF GRAND JURY**

*True Bill*

*Edward J. Wells*

representative of Grand Jury

date: March 30, 2000

**VERDICT**

representative of Petit Jury

date:

DOCKET NO. 2000-GS-02-533

2

**The State of South Carolina**

County of Aiken

**COURT OF GENERAL SESSIONS**

APRIL 10, TERM 2000

**THE STATE**

vs.

**CEDRIC LLOYD WOODS**

**Indictment for  
POSSESSION OF FIREARM OR KNIFE  
DURING COMMISSION OF OR  
ATTEMPT TO COMMIT A VIOLENT  
CRIME**

SC Code: 16-23-490

CDR Code: 549

Class FEL-F

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

INDICTMENT

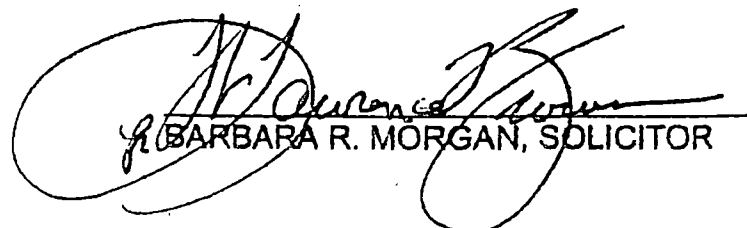
At a Court of General Sessions, convened on April 10, 2000, the Grand Jurors of Aiken County present upon their oath:

POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF OR  
ATTEMPT TO COMMIT A VIOLENT CRIME

That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Burglary In The First Degree, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

**RECEIVED**  
AUG 21 2018  
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BARBARA R. MORGAN, SOLICITOR

WITNESSES

H. Nimau, A.C.S.O.

FILED

*Jan 19 2000*  
*[Signature]*  
C.C.P. & G.S.  
*[Signature]*  
Deputy Clerk

ARREST WARRANT NUMBER

41947

ACTION OF GRAND JURY

*[Signature]*  
*[Signature]*  
Deputy Person of Grand Jury  
date: February 24, 2000

VERDICT

Deputy Person of Petit Jury  
date:

DOCKET NO. 2000-GS-02-404-493<sup>ms</sup>

1 of 2 Exhibits

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

February 28, TERM 2000

THE STATE

vs.

CEDRIC LLOYD WOODS

Indictment for  
ATTEMPTED ARMED  
ROBBERY

SC Code: 16-11-330  
CDR Code: 0026  
Class FEL-C (V)

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

INDICTMENT

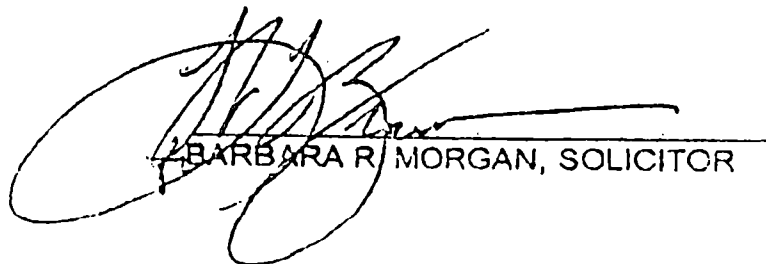
At a Court of General Sessions, convened on February 28, 2000, the Grand Jurors of Aiken County present upon their oath:

ATTEMPTED ARMED ROBBERY

That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, while armed with a deadly weapon or while alleging either by action or words that he was armed with a knife, attempt to feloniously take from the person or presence of Angela M. Ealy, by means of force or intimidation goods or monies of Angela M. Ealy, all in violation of §16-11-330 of the Code of Laws of South Carolina (1976), as amended.

**RECEIVED**  
AUG 21 2018  
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BARBARA R. MORGAN, SOLICITOR

**WITNESSES**

H. Nimau, A.C.S.O.

**The State of South Carolina  
County of Alken**

**COURT OF GENERAL SESSIONS**

**APRIL 10, TERM 2000**

FILED April 19, 2000  
J. Godard  
CLERK  
Deputy Clerk

**ARREST WARRANT NUMBER**

at Indictment

**THE STATE  
vs.**

**CEDRIC LLOYD WOODS**

**ACTION OF GRAND JURY**

True Bill

Edward J. Weber  
person of Grand Jury  
s: March 30, 2000

**VERDICT**

**Indictment for  
POSSESSION OF FIREARM OR KNIFE  
DURING COMMISSION OF OR  
ATTEMPT TO COMMIT A VIOLENT  
CRIME**

SC Code: 16-23-490  
CDR Code: 549  
Class FEL-F

person of Petit Jury  
e:

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

INDICTMENT

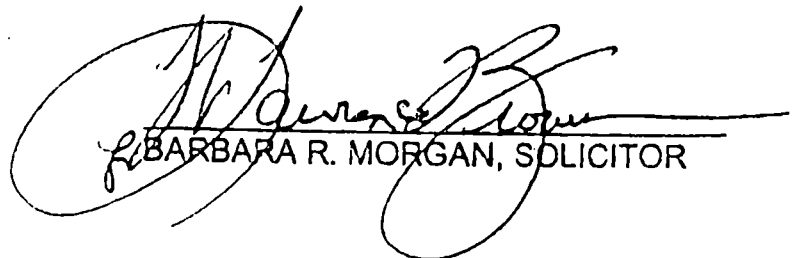
At a Court of General Sessions, convened on April 10, 2000, the Grand Jurors of Aiken County present upon their oath:

POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF OR  
ATTEMPT TO COMMIT A VIOLENT CRIME

That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

**RECEIVED**  
AUG 21 2018  
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BARBARA R. MORGAN, SOLICITOR

**WITNESSES**

H. Nimau, A.C.S.O.

*April 19, 2000*

FILED

*Leif Godard*

C.C.P. & G.S.

*Daryl Bond*

Deputy Clerk

**ARREST WARRANT NUMBER**

F644948

**ACTION OF GRAND JURY**

*June Bell*

*Eleanor J. Wells*

Foreperson of Grand Jury

Date: February 24, 2000

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2000-GS-02-

*405494*

**The State of South Carolina**

County of Aiken

**COURT OF GENERAL SESSIONS**

**FEBRUARY 28, TERM 2000**

**THE STATE**

**vs.**

**CEDRIC LLOYD WOODS**

**Indictment for**

**KIDNAPPING**

SC Code: 16-3-910

CDR Code: 0095

Class FEL-A

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )

INDICTMENT

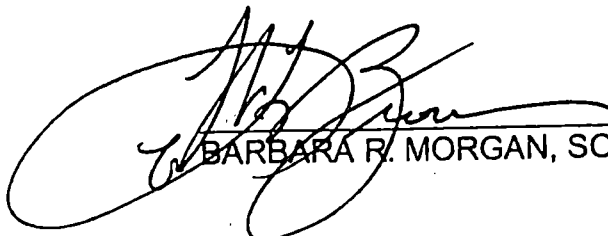
At a Court of General Sessions, convened on February 28, 2000, the Grand Jurors of Aiken County present upon their oath:

**KIDNAPPING**

That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, unlawfully seize, confine, abduct or carry away A██████ M. E██████ without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

**RECEIVED**  
AUG 21 2018  
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BARBARA R. MORGAN, SOLICITOR

**WITNESSES**

H. Nimau, A.C.S.O.

FILED April 19 2000  
Deputy Clerk  
C.C.P.A.S.S.  
Deputy Clerk

**The State of South Carolina**  
**County of Aiken**

**COURT OF GENERAL SESSIONS**

**APRIL 10, TERM 2000**

**ARREST WARRANT NUMBER**

Direct Indictment

**THE STATE**  
**vs.**

**CEDRIC LLOYD WOODS**

**ACTION OF GRAND JURY**

True Bill

Edward J. Weeks  
Foreperson of Grand Jury  
Date: March 30, 2000

**VERDICT**

**Indictment for**  
**POSSESSION OF FIREARM OR KNIFE**  
**DURING COMMISSION OF OR**  
**ATTEMPT TO COMMIT A VIOLENT**  
**CRIME**

SC Code: 16-23-490

CDR Code: 549

Class FEL-F

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

INDICTMENT

At a Court of General Sessions, convened on April 10, 2000, the Grand Jurors of Aiken County present upon their oath:

POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF OR  
ATTEMPT TO COMMIT A VIOLENT CRIME

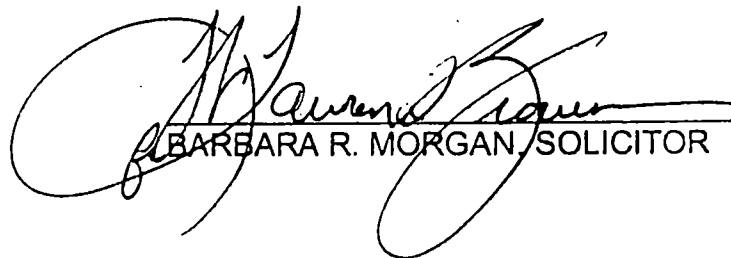
That CEDRIC LLOYD WOODS did in Aiken County on or about June 12, 1999, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Kidnapping, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

**RECEIVED**

AUG 21 2018

SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
BARBARA R. MORGAN, SOLICITOR

Cedric L. Woods, # 265789  
ACI - F3B-03  
PO Box 1151  
Fairfax, SC 29827-1151

Legal Mail

S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211-1629

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AUG 21 2018

SC Court of Appeals

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AUG 21 2018

MAINTENANCE  
ACI