

**NOTICE OF APPEAL**  
**THE STATE OF SOUTH CAROLINA**  
**In The Court of Appeals**

**APPEAL FROM BERKELEY COUNTY**  
**Court of General Sessions**  
**Deadra L Jefferson, Circuit Court Judge**

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Case No. 2018-001280

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The State, Prosecutor  
Kamila Szymczynska-Sas

Respondent,

**RECEIVED**  
SEP 06 2018  
SC Court of Appeals

v.

DaShawn M. Richards,

Appellant.

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**EXPLANATION FOR APPEAL**

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Now comes DaShawn M. Richards, and gives Reason for appealing the decision entered by Deadra L Jefferson BERKELEY COUNTY General Session 9<sup>th</sup> Circuit to be heard at 1220 Senate St, Columbia, SC 29201 Court of Appeals. I DaShawn M. Richards the real party in Interest Lis Inter Partes brings forth Controversy and Object to the unlawful practices of STATE OF SOUTH CAROLINA, Charleston County Clerk of Court, The Trier Of Fact, And the Trier Of the Case Sham Legal Proceedings. I DaShawn M. Richards the real party in Interest Lis Inter Partes appeals on the following grounds.

1. The Clerk of Court, Trier of Fact, and Trier of the Case all Have foreknowledge that they are a party to fraud and willfully and maliciously continued proceedings and engaged in an abuse of process. I DaShawn M. Richards the real party in Interest Primary rights are tremendously violated.

2. I DaShawn M. Richards the real party in Interest Have not entered into an voluntary and informed plea as the law Demands based on the Facts that BERKELEY COUNTY General Session 9<sup>th</sup> Circuit Court Held me without bond having no evidence in connection to the October 16 2015 burglary 2<sup>nd</sup> Degree and November 23 2016 failure to stop for blue lights yet continued

to prosecute I DaShawn M. Richards the real party in Interest Through an abuse of discretion based on Error of law.

**3. Citing: Montgomery vs State;** The duty rest upon all courts, “ State and federal, to guard, protect, and enforce every right granted or secured by the Constitution whenever such rights are involved in any proceeding before the court and the right is duly and properly claimed or asserted. further Citing U. S. Supreme Court State vs Earle These principles are recognized and followed by the Supreme Court of the United States. In Turpin v.Lemon, 25 Sup. Ct. Rep., 20, the Court quotes with approval the following definition of due process of law found in Hagar v. Reclamation Dist., 111 U.S. 701: "It is sufficient to observe here that by `due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and whenever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty or property which may result in the deprivation of either, without the observances of those general rules established in our system of jurisprudence for the security of private rights." The case of Henderson v. Henderson, 19 Sup. Ct. Rep., 553, shows that in order to bring a case within the scope of the 14th amendment to the Constitution of the United States, it should be so clearly and palpably an illegal encroachment upon private rights as to \*Page 203 leave no doubt that the legislation by its necessary operation, is really spoliation under the guise of the law. In Smythe v.Ames, 18 Sup. Ct. Rep., 418, the Court uses this language: "In every Constitution is the guaranty against the taking of private property for public purposes without just compensation. The equal protection of the laws, which, by the fourteenth amendment, no State can deny to the individual, forbids legislation, in whatever form it may be enacted, by which the property of one individual is without compensation wrested from him for the benefit of another, or of the public. This, as has been often observed, is a `government of law and not a government of men,' and it must never be forgotten that under such government, with its constitutional limitations and guaranties, the forms of law and the machinery of government, with all their reach and power, must in their actual workings stop on the hither said of the unnecessary and uncompensated taking or destruction of any private property legally acquired and legally held."

**4. It is the duty of the Court to insure that pleadings are sufficient to invoke judicial authority.** Pleadings that lack evidence supported by fact can only be deemed as a “failure to state a claim upon which relief can be granted” (Rule 1-012). The prosecution has no finger prints on anything that would constitute an burglary attempt and upon view of the video you can clearly see that I did not fail to stop for blue lights furthermore I was never in possession of a gun no officer ever seen me with one.

**5. It is the duty of the Court and jury to determine the facts,** the actual events or existence of an occurrence. Facts differ from truth in that facts are more related to specific events of an occurrence, while truth is a holistic, unified conclusion regarding a series of actual occurrences.

It is, therefore, the duty of the Court to discern the truth in a controversy by weighing the evidence.

**6. There was no proof and through coercion I Dashawn M. Richards was forced into a plea deal on the 25 of June, 2018 to regain some of my freedom in violation of my right not to**

self-incriminate secured by the fifth amendment further I Dashawn M. Richards Had ineffective Consul Through Keisha White f) ("Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated reasonably adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. **Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer**

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to make or accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

### **Rule 1.3 Diligence**

A lawyer shall act with reasonable diligence and promptness in representing a client.

*[Comment][Narrative]*

### **Rule 1.4 Communication**

(a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these Rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;

(3) keep the client reasonably informed about the status of the matter;

(4) promptly comply with reasonable requests for information; and

(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

No other remedy or options were provided to I Dashawn M. Richards Only Plea deal and nothing filed or recorded on my behalf during the duration of the Case by my console even though it is clear that the state couldn't prove the case lawfully for having a lack of relevant evidence. The liberty of government by the people, in my opinion, should never be denied by this Court except when the decision of the people, as stated in laws passed by their chosen representatives, conflicts with the express or necessarily implied commands of our Constitution. . **U.S. Supreme Court In re Winship, 397 U.S. 358 (1970)**

**U.S. Supreme Court In re Winship, 397 U.S. 358 (1970).** I admit a strong, persuasive argument can be made for a standard of proof beyond a reasonable doubt in criminal cases -- and the majority has made that argument well -- but it is not for me as a judge to say for that reason that Congress or the States are without constitutional power to establish another standard that the Constitution does not otherwise forbid. It is quite true that proof beyond a reasonable doubt has long been required in federal criminal trials.

7. BERKELEY COUNTY General Session 9<sup>th</sup> Circuit prosecutor Kamila Szymczynska-Sas has in the past seek to prosecute I DaShawn M. Richards in connection to a Murder that I did not commit she has Maliciously seek to prosecute me on multiple failed occasion with no proof or Relevant evidence rule 401.

Therefore, I DaShawn M. Richards pray and ask this court to Void and Vacate the Order/sentencing Made on June 26 2018 granting rule 60 (b) (4) relief and grant me full Acquittal dismissing this alleged case with prejudice in favor of the I DaShawn M. Richards the real party in Interest Lis Inter Partes sui juris. For it is my Liberty and Rights under attack. It is the court duty to protect them.

DaShawn M. Richards, in Propria Persona  
C/o 5446 Marie Street North Charleston,  
SC 29406 Voice: 843) 642-5724  
Appellant

Notice I Dashawn Richards  
Brings this action in Propria Persona

*DaShawn Richards*

Da'shawn. M. Richards  
5446 Marie Street.  
North Charleston, S.C.  
29406

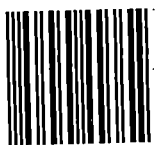
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SEP 06 2018

SC Court of Appeals

South Carolina Court of Appeals.  
Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, S.C. 29211

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