

THE SUPREME COURT OF SOUTH CAROLINA  
OFFICE OF THE HONORABLE CLERK OF COURT  
THE MOST HONORABLE DANIEL E. SHEAROUSE  
POST OFFICE BOX 44330  
COLUMBIA, SOUTH CAROLINA 29211

FROM: MR. Michael F. Bailey  
S.C.D.C. No. 273498  
F-4-A-265  
EVANS CORR. INST.  
610 HWY. 9 WEST  
Bennettsville, S.C. 29512

RECEIVED  
APR 25 2018  
S.C. SUPREME COURT

In Re: Michael F. Bailey v. STATE  
APPELLATE CASE NO. 2018-000544  
LOWER COURT CASE NO. 2014-CF-0401111

COVER LETTER

THE SUPREME COURT OF SOUTH CAROLINA  
OFFICE OF THE HONORABLE CLERK OF COURT  
APPELLATE CASE NUMBER 2018-000544

MR. Michael F. Bailey } EXPLANATION IN COMPLI-  
S.C.D.C. NO. 273498 } ANCE OF RULE 243 (C)  
APPELLANT Pro Se }

v.

THE STATE OF SOUTH  
CAROLINA  
Respondent

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May It Please the Court?

APPELLANT would stand on His Arguments  
Raised, His Arguments Raised were NEVER dealt  
with or answered. The STATE'S own Case Law states,  
that for good reason, a Subsequent T.C.R. Application  
is NOT Automatically Barred, except for good reasons.  
see Williams v. STATE, 354 S.C. 630, 583 S.E.2d 52  
(S.C. 2000) Crim. Law Key 4668(c). APPELLANT contends

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That His Issues are vital, Pertinent and serve the Public Interests. APPELLANT would state that the Issues ARE Based on STATE LAW CODES and not Theory. See Marlar v. STATE 373 S.C. 275, 644 S.E.2d 769, 375 S.C. 407, 653 S.E.2d 266 (S.C. APP. 2007); Garnes v. STATE, 371 S.C. 1, 636 S.E.2d 860. Crim. Law Key 1044.

APPELLANT NEVER had a Second, much less a third Conviction for Trafficking at all. AT NO TIME did APPELLANT have anything But a Misdemeanor Marijuana Conviction that He Paid a Fine for and Served no Time, APPELLANT at no Time had a third Trafficking offense. This is why He asks this Most Esteemed APPELLATE Body of Judges, to Review En Banc this APPEAL in its entirety and Grant Relief.

Respectfully,  
Michael Bailey

SWORN TO BEFORE ME THIS

24 Day of April of 2018.

Soulas  
NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXPIRES: 2/17/24

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ADDENDUM

Additionally, The Law is very much not in Favor of Changing of Indictment's Codes. The ONLY Proper Procedure to Fix or Change the Code is to Void Indictment, and Re-Indict by Grand Jury, according to the Federal Rules. The Indictment Trafficking Code was (B)(1) and changed to (C)(1)(c) 2452 an up-graded charge, this had to go back before the Grand Jury, to be legally done and sufficient on its face. See GENTRY v. STATE

WITNESSES

MARSEE - APD

DOCKET NO. 98-25-04-279

**The State of South Carolina,**

County of ANDERSON

COURT OF GENERAL SESSIONS

JANUARY TERM 1998

WHD

THE STATE

vs.

MICHAEL F. BAILEY

ARREST WARRANT NO. F292367

B/W 2-5-98 recalled 3/13/01  
B/W 1-12-99 recalled 3/13/01

ACTION OF GRAND JURY

TRUE BILL  
DATE

1-27-98

*[Signature]*

Foreman of Grand Jury

Commitment  
3/12/01  
C.P.

**Indictment for**

TRAFFICKING CRACK COCAINE

(C) (0452)  
44-53-0375(C)(1) ~~(S)~~ [0451]

VERDICT

A TRUE COPY  
APR 16 2018  
*Richard M. Vinty*  
ANDERSON CLERK OF COURT

Foreman of Petit Jury

Date:

GEORGE M. DUCWORTH- SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ANDERSON )

INDICTMENT FOR

TRAFFICKING CRACK COCAINE  
44-53-0375(C)(1) (3) [0451]

(C) 0452

At a Court of General Sessions, convened on JANUARY 27, 1998,  
the Grand Jurors of ANDERSON County present upon their oath:

THAT MICHAEL F. BAILEY DID IN ANDERSON COUNTY, SOUTH CAROLINA  
ON OR ABOUT JANUARY 6, 1998 KNOWINGLY HAVE IN HIS POSSESSION IN EXCESS  
OF 10 GRAMS OF CRACK COCAINE BUT LESS THAN 28 GRAMS.

A TRUE COPY  
APR 16 2018  
Richard X. Huley  
ANDERSON CLERK OF COURT

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

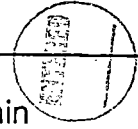
George M. Thompson  
SOLICITOR

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

INDICTMENT #: 98 -GS-04- 279

STATUE#: 44-53-375(c)(1)(c) OFFENSE CODE: 0452

Now comes the Defendant, \_\_\_\_\_



Who in open Court, waives presentment and pleads guilty to the charge in the within

Warrant(s)/Indictment(s) and consents to the Sentence of this Court, This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Defendant Signature

=====

**S E N T E N C E**

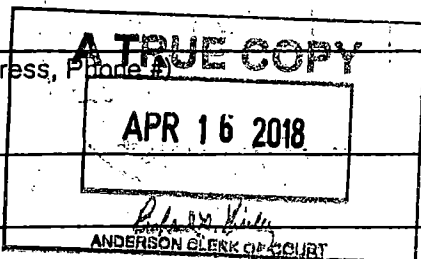
=====

The Defendant Michael J. Bailey is hereby committed to the South Carolina Department of Corrections/Anderson County Jail for a term of 30 ~~Months~~ Months ~~Years~~ Hours and/or the Payment of a Fine of \$ 50,000 provided upon the service of \_\_\_\_\_ Months ~~Years~~ Hours and/or the Payment of a Fine of \$ \_\_\_\_\_ (plus Court cost as applicable), the balance suspended with probation for \_\_\_\_\_ Months ~~Years~~.

SPECIAL CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESTITUTION: (YES/NO) Amount: \_\_\_\_\_ Pay to Anderson County Clerk of Court for:

(Victims Name, Address, Phone #)



(Payment Schedule)

Date: January 13, 1999

[Signature]  
Judge of the Tenth Judicial Circuit

Commitment: \_\_\_\_\_

Sentence published in court to Defendant on 3-12-01. [Signature]  
Code 104

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

STATE v MICHAEL F BAILEY

AKA:  
Race/Sex: B M Age: 38  
DOB: [REDACTED] SSN: [REDACTED]

) IN THE COURT OF GENERAL SESSIONS

) INDICTMENT/CASE#

) 98-GS-04-279

) A/W#: F292367

) Date of Offense: 01/06/98

) S.C Code: 44-53-0370

CDR #: 280.2

) CASE RESTORED

) SENTENCE:  PLEA  TRIAL

SCDL# SID: SC00863730

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO:

Trafficking Crack Cocaine 3rd offense

in violation of 44-53-375(C)(1)(c) of the S.C. Code of Laws, being CDR Code# 0141512

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

Charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
Plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

David Ross  
Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of \_\_\_\_\_ days/month/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or pay a fine of \$\_\_\_\_\_ provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$\_\_\_\_\_ plus costs and assessments as applicable\*, the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for \_\_\_\_\_ days/months jail time.

CONCURRENT or  CONSECUTIVE to sentences on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered

Total: \$\_\_\_\_\_ plus 20% fee \$\_\_\_\_\_

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine..... \$50,000.00  
14-1-206 - Assessments 100%..... \$50,000.00  
14-1-211 (A)(1) Surcharge ..... \$100.00  
14-1-211 (A)(2) Surcharge ..... \$  
56-5-2995 (DUI) ..... \$  
3% County(if Paid in Installments) \$  
TOTAL ..... \$100,100.00

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_  
Attend Voc Rehab, or Job Corps \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol Testing \_\_\_\_\_

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$\_\_\_\_\_ beginning \_\_\_\_\_

\$\_\_\_\_\_ paid to Public Defender Fund.

Other: \_\_\_\_\_

**Cathy M. Phillips**

Clerk of Court/Deputy Clerk

Court Reporter R. Jollison Code# 1111

A TRUE COPY

APR 16 2018

JUDGE \_\_\_\_\_

Code# 1111

Sentence Date \_\_\_\_\_

SCCA/217 (1/01)

ANDERSON CLERK OF COURT

ARREST WARRANT

F- 292367

STATE OF SOUTH CAROLINA

County/ Municipality of Anderson

THE STATE against

Michael Fitzgerald Bailey

Address: [Redacted] Greenville, SC

Phone: 252-65990 SSN: [Redacted]

Sex: M Race: B Height: 6/2 Weight: 200

DL State: DL #:

DOB: Agency ORI #: SC0040100

Prosecuting Agency:

Prosecuting Officer: Kevin Marree

Offense: Trafficking Crack Cocaine

Offense Code:

Code/Ordinance Sec. 44-53-375

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 law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Michael F. Bailey on 1-7-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

County/ Municipality of Anderson

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant Sergeant Kevin Marree who being duly sworn deposes and says that defendant Michael Fitzgerald Bailey did within this county and state on 1-6-98 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ) in the following particulars:

DESCRIPTION OF OFFENSE: Trafficking in Crack Cocaine

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:

On the date of 1-6-98 at around 7:00 P.M. The defendant did transport or cause to be transported approximately 16 grams of crack cocaine to Bellline Boulevard and room 229 of the Quality Inn within the Municipality of Anderson, SC

Sworn to and subscribed before me on 1-7-98

Signature of Issuing Judge Kmmatt (L.S.)

Signature of Affiant Kevin Marree
Affiant's Address
Affiant's Telephone

A TRUE COPY APR 16 2018 ANDERSON CLERK OF COURT

STATE OF SOUTH CAROLINA

County/ Municipality of Anderson

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 1-6-98 defendant Michael Bailey did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Anderson ) as set forth below:

DESCRIPTION OF OFFENSE:

Trafficking in Crack Cocaine

Now, therefore, 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.

Signature of Issuing Judge Kmmatt (L.S.)

Signature of Issuing Judge

Judge Code:

Judge's Address
Judge's Telephone
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

98-00456

BAIL set by

Judge Konradt

on 1-7-98

Type and Amount: 20,000

Name of Surety: PR

**PRELIMINARY HEARING** held by

Judge \_\_\_\_\_

on \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

**DISPOSITION** before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

To The Clerk,

Please Make and send Me back a Clock  
STamped-Filed Copy of This Document.

Thank You, in Advance,

Michael Bailey

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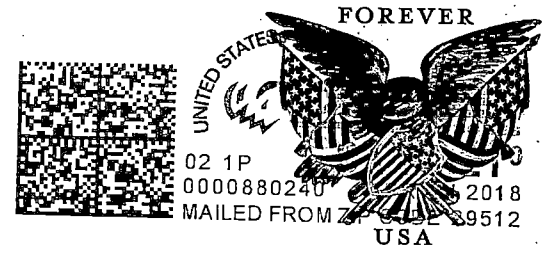
APR 25 2018

S.C. SUPREME COURT

Notary Public and subscribed before me  
this 26 day of March 2018  
J. Ouellet  
(Notary Public of South Carolina)  
My Commission Expires 2/17/24

Michael F. Bailey  
S.C.D.C. NO. 273498  
F4-A-265  
EVANS CORR. INST.  
610 Hwy. 9 WEST  
Bennettsville, S.C.  
29512

COLUMBIA  
SC 290  
24 APR '18  
PM 3 L



SUPREME COURT OF SOUTH CAROLINA  
OFFICE OF THE HONORABLE CLERK OF COURT  
THE MOST HONORABLE DANIEL E. SHEAROUSE  
POST OFFICE BOX 47330  
COLUMBIA, SOUTH CAROLINA 29211

29211-233030

