

STATE OF SOUTH CAROLINA)
IN THE COURT OF APPEALS)
)
Timothy Wilson)
Plaintiff,)
)
V)
State of South Carolina)
Defendant.)

APPEAL FROM THE ADAMIISTRATIVE
LAW COURT

Civil Action No. 2018-CP-10-2408

COMPLAINT
(REQUESTED HEARING/JUDGEMENT)

CHARLESTON COUNTY CLERK OF COURT/
SOLICITORS OFFICE
100 BROAD STREET SUITE 106
CHARLESTON, SOUTH CAROLINA 29401

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DATED: FEBRUARY 23RD 2019

FILLING FOR REVIEW IN THE SOUTH CAROLINA COURT OF APPEAL, UNDER RULE 203, AND 206. (1) UNDER RULE 243 AND 247 (a) A FINIAL ORDER OF THE ,, COURT DENYING DNA TESTING RESULTS AND EMS, AND OR CHARLESTON MEMORIL HOSPITAL RESULTS ACCORDING TO TITILE 17, CHAPTER 28 a , THE SOUTH CAROLINA CODE (§17-28-20, (2) AND §17-28-350), BE MADE AVAILABLE FOR REVIEW IN THE COURT OF APPEALS.

DEAR CLERK,

ENCLOSED FOR FILING IS THE ABOVE REFERENCED PLEDING,. AS I HAVE INCLUDED A SECOUND COPY THEREOF ALONG WITH S.A.S.E., PLEASE RETURN SAME CLOCK STAMPED AND DOCKETED FOR MY RECORDS. ...

THANKS FOR YOUR ATTENTION TO THIS VERY IMPORTANT MATTER, .

cc : OFFICE OF THE S.C. ATTORNETY GENERAL.


.....
Timothy Wilson pro se

.....
CLERK OF COURT/JUDGE

STATE OF SOUTH CAROLINA)
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PLAINTIFF FILES THIS COMPLAINT AGAINST THE DEFINDANT TO THE COURT FOR THE FIFTH AMENDMENT DOUBLE JEOPARDY\BEYOND THE REASONABLE DOUBT.

VENUE

Pursuant to 17-17-10 et, Seq,, of the South Carolina Code of Law (SCCOL) and South Carolina Constitutional Art, Section 18, or the Alternative Pursuant to Rule 60 (b) 4 and 5, of The South Carolina Rule of Civil Procedure,,,, Plaintiff Humbly Asserts His Entitlement of the Relief Sought Here-in Base Upon, (North Carolina v Pearce 395 U. S. 711 (1969), (In re Winship, 397 U. S. 358 (1970),,) ,ect.

BACKGROWN\HISTORY

The plaintiff was indicted on March of 1999, and entered a voluntary plea of guilt. The General Sessions Court dated October 26, 1999, by the Presiding Judge Rawls found the Plaintiff guilty of 1st degree criminal sexual conduct; (99-GS-10-1790) S.C. code 16-3-652. 2nd degree criminal sexual conduct; (99-GS-10-1788) S.C. code 16-3-655., and lewd act upon a minor; (99-GS-10-1789) S.C. code 16-15-140. The Plaintiff was sentenced to twenty years for first degree criminal sexual misconduct with a minor , ten years for second degree criminal sexual conduct with a minor and , ten years for lewd act upon a minor. Sentenced concurrently and given credit for 335 days with a ATU ORDER for sex offender counseling, and five years of the Stand Conditions of Probation.

STATEMENT OF CASE

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Due to the Plaintiff defect of understanding and ignorance of the inculpatory fact, a statement and plea was giving, voluntary and ignorantly. The Plaintiff is asking this Honorable Court to remove or withdraw the statement and plea that was voluntary and that this Court would view all the evidence that support these charges in each indictment by the Burden of Proof that's Beyond A Reasonable Doubt.

The Plaintiff contains that his statement was written out of ignorance, and his plea out of fear, and a mistake. The Plaintiff also is presenting before this court a continued Fifth Amendment Double Jeopardy, and under the Sex offender Registration Act, (SORNA) a lifetime registration, under the restraints of the law.

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FACTUAL ALLEGATION

1. Indictment for Criminal Sexual Conduct First Degree; (99-GS-10-1790) S.C. Code 16-3-652 Dated 11-23-1998, reads: That Timothy Wilson did in Charleston County on or about November 23, 1998, engage in sexual battery to wit Sexual Intercourse., the Defendant used a knife. (in Apprendi vs New Jersey, 530 US. 446 (2000) ,, every element,,) . There was no weapon found in the discovery . There was no proof of sexual intercourse found by the Plaintiff „Beyond A Reasonable Doubt ,, There was no results found by the Plaintiff \Defendant Attorney C. Andrew Carroll,, nor any such documents in the discovery request Pursuant to S.C. Rules of Criminal Procedures Rule 5 and 6,, of the Edwards Notice.
2. Indictment for Criminal Sexual Conduct Second Degree; (99-GS-101788) S.C. Code 16-3-655 Dated 1995 though 1998; That Timothy Wilson did in Charleston County between 1995 and 1998, engage in sexual battery ,,,,, to wit; Sexual Intercourse. (In re Winship, 397 U. S. 358 (1970),,). The incident that occurred in 1995-1998, or between, produced no filed records of discovery for ; time , dates, events, location, EMS reports, Charleston Memorial Hospital, rape kit test, DNA , or proof of sexual intercourse, “Beyond A Reasonable Doubt”.
3. Indictment for Lewd Act Upon a Minor; (99-GS-10-1789) S.C. Code 16-15-140, Dated 1995 though 1998; That Timothy Wilson being over the age of fourteen did in Charleston County between 1995 and 1998 , willfully and lewdly commit or attempt a lewd and lascivious act,,,,. There was no mention in the Victim report of such actions .

4. The crime of first and second degree and lewd act, differ from the original that is in question of the fifth amendment . (Blockburger v United States 284 US 299, (1932)
5. Prior to the Plaintiff release from the South Carolina Department of Correction (SCDC),. The South Carolina Probation Parole and Pardon Services (SCPPPS), presented a Community Supervision Program Certificate. However the Plaintiff refused to sign the form dated 5-25-07. On May 1st 2007, the Plaintiff reported to the South Carolina Probation Parole and Pardon Services as ORDED by the Presiding Judge Rawls The Chief of Trial dated October 26, 1999. The Plaintiff sign the Standard Sex Offender Condition of Probation in which he was placed under . However days , the Plaintiff noted that he was placed under Community Supervision that impaired the Judge ORDER.
6. On February 21st 2008, the Plaintiff was violated of Community Supervision , and the Standard Condition of Probation, at the Agent recommendation for a "Full Revocation". On April 7th 2008 the Presiding Judge Scarborough ORDERED the full revocation , and noted that the Plaintiff was under the original ORDER of Judge Rawls. However at the State recommendation the order was revoke with both probation, and was given a should not continue in the Community Supervision Program under its current terms , or under other terms and conditions ...It was so ORDERED,, and sentenced to the SCDC. , for one (1) year.
7. On September 23rd 2008 , the Plaintiff filed in the Court Common Pleas for a Revocation Hearing. . January 21st 2009, the case was heard in the Post-Conviction Relief for time served while under probation . However case was Dismiss with prejudice.
8. February 20th 2009, The Plaintiff was ask to sign the Community Supervision Program Certificate, the Plaintiff advised the agent the he has completed a full revocation and presented to the Agent that zero out days on certificate.

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9. On February 27th2009, the Plaintiff was arrested for violating a law ,,,"failure to comply with conditions 1, 2, 3, 10, and special condition of GPS , as ordered in Ind# 99-GS-10-1790 and 1788, in the Charleston County Court of General Sessions as ordered on release Certificate for Community Supervision" ..(Beyond A Reasonable Doubt).
10. On May 18th, 2009. The Plaintiff appeared before a revocation hearing, and was removed from the Community Supervision Program. This was done after serving two month, and fifteen days, in Charleston County Detention Center. After reviewing the ORDER of the previous Judge,, the Judges ,, in there ORDERS,, Revoke the order with a full Revocation, with a do no continue ORDER, and canceled all probation....(Ashe v Swenson, 397 US 436 (1970)),,
11. November 19th 2009,,. After serving six month of Child Support for arrears. The Plaintiff was release from Charleston County Detention , however was placed on hold, for the Probation Parole and Pardon Services, and was place back under probation. After a few hours, the Plaintiff was violated and place back in County Jail.
12. After two month detained in County Jail , for violation of not having a residence in order. The Plaintiff requested transfer to Williamsburg County. However the Probation Parole and Pardon Services, recommended that the Plaintiff be place back on Probation, and given one year and six month to serve in Williamsburg County.....(North Carolina v Pearce 395 U.S. 711 (1969))...

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13. Under the Sex Offender Registration Act (SORNA),. The Plaintiff is currently under the South Carolina §16-3-652, §16-3-655, and §16-15-140, that holds the Plaintiff under a lifetime restraints of the law base on the crime of conviction . It is also a continued damage the holds the conviction of the State Court, as so Ordered. (Case No. 15-1536 In the Supreme Court of the United States) and the Ex Post Facto Clause,,.

FINAL STATEMENT

14. The Plaintiff humbly pray that this Court would render a judgment in this case that is just and proper.

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PRAYER FOR RELIEF

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Wherefore Timothy Wilson\Plaintiff prays that this Honorable Court enter an award a Judgment against the Defendant for all causes of action, and for all damages caused thereby as alleged herein, that exceeds the sum or value of seventy-five thousand dollars (\$75,000.00) in excess, or limitation exclusive of interest and cost. Plaintiff prays for cost and Attorney's fees against the Defendant and any such other, and further reliefs as the Court may deem just and proper...

Timothy Wilson pro se

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APPEAL FROM THE ADMINISTRATIVE
LAW COURT

SUMMONS

Case No. 2018-CP-10-2408

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TO THE RESPONDENT ABOVE-NAMED

YOU ARE HEREBY SUMMONED AND REQUESTED TO ANSWER THE PETITION FOR HEARING FOR RELIEF FROM JUDGEMENT; OR THE ALTERNATIVE ORDER PURSUANT TO RULE 60 (b) 4 AND 5 SCRPC,. HEREIN, A COPY OF WHICH IS HEREBY SERVED UPON YOU, AND TO SERVE A COPY OF YOUR ANSWER TO THIS PETITION UPON THE SUBSCRIBER AT THE ADDRESS SHOWN BELOW WITHIN (30) DAYS, AFTER SERVICES HEREOF, EXCLUSIVE OF THE DAYS OF SUCH SERVICE AND IF YOU FAIL TO ANSWER THE COMPLAINT, JUDGEMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE DEMANDED(S) IN THIS PETITION.

DATED _____ 2019.

Timothy Wilson pro se
241 Darlene Road
Hemingway, S.C. 29554
843-933-1058