

① of ⑬  
Pages.

the state of South Carolina  
in the Court of Appeals.

Appeal from 11th Circuit  
Court of Saluda County  
General Sessions.

RECEIVED

Honorable Judge, McLeod.

MAY 31 2019

SC Court of Appeals

Docket No. 2019 GS. 4100058

Johnny Tyler Padgett 179791  
Appellant.

VS.

State of South Carolina  
Respondent

The appellant will show  
this Court the grounds for  
this appeal, and the appellant  
is Johnny Tyler Padgett 179791.  
At age 69 years old being  
held unlawful at the S.C.  
Department of Corrections  
at Kirkland Correctional  
Institution at KCF R4E.

(2)

## Appeals Court

This Court has Jurisdiction over the parties and the Cause of Action asserted by Appellant Johnny Tyler Padgett

### "Jurisdiction"

This Court has Jurisdiction of this case within its ORIGINAL Jurisdiction pursuant to S.C. Rule of Appeals.

This Court of South Carolina has Jurisdiction over the S.C. State vs. Johnny Tyler Padgett 179791 SCD. Appellant.

### "The grounds for Appeals."

① On the May 20 21-22-2019. The Appellant TRIAL on the Above date the Appellant did Demand Jury TRIAL for the Charge of Failure to Stop for Police Blue light. on the January 9, 2019. Padgett was Arrested by the Charge Officer Ms. Jacquelyn E. Robinson. Who Wrote Warrant and Attached Affidavit to the Arrest Warrant on the January 10, 2019 Judge Ms. Loyce B. Shults, Code 5801. Who Came to Padgett with Warrant and Attached Affidavit to the

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WARRANT, which date on January  
10/2019. The Charge submitted  
an Affidavit Attach to the  
Arrest WARRANT which was  
not sign by a Notarized. Not  
even Judge Joyce B Shultz  
Sign, on the January 10, 2019  
The Charge officer did  
not sign the top face of the  
Arrest WARRANT on January,  
09, 2019. There was another  
LAW Enforcement officer did  
sign the front face of the  
Arrest WARRANT, the Charge  
officer Ms. Jacqueline E. Robinson  
only sign the Affidavit out  
of the presence of the Notarize  
she did not swear the Allegation  
Before a Notary public for  
the state of South Carolina.  
She did not swear under  
oath that the facts in the  
Affidavit are true. The  
Documents has not been sign  
by no such person. There NO  
Notary public seals on the  
Attach Affidavit Date January  
09, 2019 and January 10, 2019.  
The magistrate Joyce B Shultz  
written the date and month  
year she receive the Charge  
on January, the Charge Ms.  
Jacqueline E. Robinson false

(4)

Claims she did appeared before  
the magistrate Judge Mr Joyce  
B. Shull. She made FALSE CLAIMS  
in the witness statement claims  
she appeared before the Judge  
to sign the AFFIDAVIT on the  
front face of the WARRANT,  
ON JANUARY 10th 2019. She WAS  
OFF DUTY that DATE 01-10-2019.  
The Charge Officer Charge did  
not comply with S.C. STATE LAW.  
All About UNDISWORN AFFIDAVIT  
The TRIAL Judge Mr. McLeod. Failed  
to DISMISS the indictment and  
the ARREST WARRANT on the May  
20-21-22-2019. Padgett was found  
guilty of Charge Failure to stop  
for Blue light. IN SALUDA CITY,  
SALUDA, S.C. -

ON the January 2019 Numbers of  
times Padgett Ask HIS Court  
Appoint Counsel Bennett Casto  
to make a motion to the Court  
to have the indictment and the  
WARRANT to QUASH and DISMISS  
the Charge AGAINST the defendant  
Padgett. Warrant Number. 2019A4120  
10001. Failure to stop for Blue  
light the Court Appoint Counsel  
Failed to do so. All he wanted  
see that Padgett be convicted and  
the Counsel Casto did nothing  
to help Padgett as HIS client.

(5)

Counsel Bennett Casto fails to subpoena the magistrate Judge Mr. Joyce B. Shultz who issued the UNSWORN Allegations IN the ARREST WARRANT And the UNSWORN AFFIDAVIT Attach to the Charge ON May 22-2019. The Judge Joyce B. Shultz were present at Padgett Jury Trial. Then she left the Courtroom. Whatever the prosecutors told her. She left did not RETURN. The Counsel Bennett Casto and the prosecutors did not want her testified All concern the UNSWORN Charges submitted to the Court on May 20-21-23-2019. Padgett was found guilty by Jury Trial without questions the witness magistrate Judge Mr. Joyce B. Shultz who signed WARRANTS And AFFIDAVITS FOR IAW Enforcement Charges OFFER

Padgett, told Judge McLeod. Who heard the evidences and motions made by prosecutors and Padgett. The Judge Denied Padgett motion which is Dated on May 06-2019. on January 21-22-23-2019 to grant and Dismiss the Charge

(6)

Padgett Argued to the Court he did NOT receive preliminary hearing At this Request, the prosecutor said the state has AN indictment defendant dont need a preliminary hearing. The Court Denied Padgett Request Padgett did sign up for preliminary hearing the magistrate judge NEVER call Padgett for a hearing he requests preliminary hearing on the charge fail to stop for Blue light of a law enforcement OFFICER Padgett was violations under due process clause and his Constitutional Rights was serious violation By the Court and his Attorney Bennett Costo. At TRIAL.

At TRIAL Padgett fired his Counsel Bennett Costo. he FAIL to do his Job to protect Padgett right in Court. After Padgett fired his Attorney the Court Appoint Bennett Costo, as Co-Counsel Second Chair ADVISOR to the Appellant Padgett, Padgett told the Court He did not want Counsel to be Appoint as Second Chair Counsel. Because Counsel Miss ADVISON Padgett. At TRIAL Padgett was UNADVISED by Counsel Bennett Costo. Padgett was forced to Accept

①

A de. spa Counsel Mislead Him  
IN HIS Defense, the Court Did  
not provided Padgett enough time  
to be prepared in HIS defense

the Appellant is guilty for a  
Serious law Violation for fail  
to stop for Blue light.

But Padgett was Denied the right  
to preliminary hearing and  
HIS requests the General Session  
Ignored Appellant Padgett motion  
to quash and Dismiss the  
indictment, yet in Padgett -  
Motion Date May 6. 2017. Padgett  
said that Briefly that He was  
Denied preliminary hearing.  
Padgett said that in view of  
the Court on May 22-23-2017.  
General Session Ignored HIS  
motion. And Denied HIS motion

the Action of the magistrate  
Judge in transmitting the  
Case to the Court of General  
Sessions without preliminary  
hearing, without warrant of  
law. That the Court of General  
Sessions had no Jurisdiction  
And the indictment based  
on Padgett motion the warrant  
and indictment should have

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Been gush and d. Smith. as Padgett Motion states. . . . would seem; WARRANT # 2019A412010001. A-D indictment # 2019G54100058. the indictment have its date Padgett that Padgett was indictment by the Grand Jury 2-25-2019.

the AFFIDAVIT supporting the issuance of the enumerated WARRANT were not Notarized. Copy of the enumerated warrant together with Padgett motion

That pursuant to the fourth amendment of the Constitution of the United States as made applicable through the fourteenth Amendment of the Constitution of the United States NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION."

That because NO person sworn to the allegations contained in the supporting AFFIDAVIT before Notary Public, for the State of South Carolina, the enumerated WARRANT # 2019A412010001. are unsupported by OATH or AFFIRMATION on the date service upon appellant Padgett, and Padgett UNLAWFUL conviction

(9)

During the course of Appellant Padgett Trial By Jury, Padgett didn't have NO CHOICE to represent himself. He was violations in self representation of represented off's own defense, Padgett informed Counsel Bennett Castro of his decision to proceed pro-se, the Court only ask few questions NO BACK ground of his education's whether He able to represental himself the trial Court abused its discretion by FAILING to follow FARETTA in Danger Self representation and failure to appoint another attorney to represent Padgett. Appellant was not prepared to handle his defense.

Appellant Johnny Tyler Padgett who is Black male Very low Education Padgett who is at age 64. who was tried by Jury on May 20, 23-2019. Padgett was found guilty AS Charge on May 23/2019. Judge entered Sentence Padgett to prison imposed Sentence 06 months in S.C. Department of Corrections.

and now Padgett appealing his sentence and conviction TO S.C. Court of Appeals for

(10)

Appeal Release from the <sup>high</sup> confinement. And for reliefs and request that this Court granted the reliefs sought.

Grounds for reliefs.  
Podgett Pray...

① Denied preliminary hearing.

② Charge Officer submitted unsworn Affidavit.

③ Magistrate Judge failure to sign Warrant Attachment Affidavit supporting the charge.

④ The Court fail to granted Podgett motion to quash and dismiss the Warrant and the indictment once the Court was aware the charges were unsupported by Oaths or Affidavits.

⑤ Court enforced Podgett to proceed pro-se. Danger self representation.

⑥ Appellant Ask this Court to Appoint A Attorney to help him with this Appeal. Because the conditions of the prison confinement inmates lock down.

(11)

And Appellant Padgett have NO ACCESS to LAW BOOKS - OR CASES LAWS FOR SUPPORTS HIS APPEAL. IT IS NECESSARY TO REQUEST A APPOINTMENT OF COUNSEL. "

Padgett. Leave open for Amended HIS Appeal from the records of HIS Jury trial. May 20-23 2019. Saluda County S. C. Circuit Court,

Padgett Ask this Court to set aside HIS Conviction and sentence.

The situations in which Padgett found himself being unfairly stated in HIS way above by the Court, the records of the Court show all legal and due process clause was violations, Appellant being unhelpful in prison.

Padgett pray for the above relief. Request demanded for further proceedings.

(1) Copy of the ARREST WARRANT 2019A412010001. With its AFFIDAVIT ATTACH UNSUPPORTING BY OATH OR AFFIRMATION. (2) Copy of the INDICTMENT Supported the Arrest WARRANT Number 2019A412010001.

(12)

And the Indictment Number 2019-  
G.S. 4100052."

Podgett is an inmate at the  
S.C. Department of Corrections  
held at Kirkland Correctional  
Institution here in Columbia  
S.C. on Broad River Road.  
Service His Sentence of Term  
of (6) Months. Failure to Stop  
for Blue Light of a Law Enforce-  
ment Law Officer Jacquelyn E.  
Robinson - Saluda City Police,

Podgett pray for  
reliefs and appoint  
counsel. Also I am  
open for Amended.  
States relief above,

Respectfully Submitted

MAY 23/2019.  
Columbia, S.C.

Johnny Tyler Podgett

SCDC #17979. KCI  
4344 Broad River Road  
Columbia, S.C. 29210

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Appellant: Johnny Tyler Padgett.  
VS. State of SC Respondent.  
Listed of

Enclosed

Evidence

Which was Denied By  
The General Sessions

Court of Saluda County

By Judge McLeod, on

May 20-23 2017. And

Other Filed in the Record.

① Copy of Appellant Warrant.  
Date January 9 2017.


② Copy of Appellant Indictment.  
Date February 2017.

③ Copy of Appellant motion  
Date May 6-2017.

And other files in the records.

④ Appeal of the ORIGINAL Appeal.

And all ready to be filed on  
Appellant Padgett behalf.

May 23/2017. SJ 

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Johnny Tyler Padgett

S.C.D.C. # 179791. Room 149.B.

Kirkland Corr Inst R+E.

4344 Broad River Road.

Columbia S.C. - 29210

RECEIVED

May 23 / 2019.

MAY 31 2019

SC Court of Appeals

Re: Appellant Appeal from the General Session of Saluda Co. Johnny Tyler Padgett vs. State of S.C. Respondent.

To the Clerk of Appeals Court.

Clerk of Court of Appeals.  
P.O. Box 11629.

Columbia South Carolina 29205.

Dear Clerk of Appeals Court, please find the appellant Original Appeal and which He is asking the Court please filed this Appeal. The appellant couldn't service the S.C. Attorney General Office. Because the prison officials refused to grant appellant requests to make copies. over

See Back Side Continue ① of ②

Appellant Ask this Court to  
FORWARD HIM A COPY BACK  
BACK HIS FILES.

ALSO Appellant Ask the Court  
to SERVICE the S.C. Attorney  
General OFFICE OF this Appeal.

THIS Appeal is timely Filed.

Appellant Ask this Court to  
Appointed a Counsel to help the  
Appellant with HIS Appeal,

the Appellant was Convicted  
And Sentence on May 23/2019.  
His Conviction And Sentence  
is UNLAWFUL.

Thank you so much  
for the Attention.

my Best Always Im

~~John T. Padgett~~

Johnny Tyler Padgett  
May 23/2019.

① of ②

May 30/2019

From Johnny Tyler Padgett

To the Clerk of Court

RECEIVED

S.C. Court of Appeals

MAY 31 2019

SC Court of Appeals

Re. Clerk of Court

on the May 28/2019. I'm mailing my Criminal Appeal to your Court, on the May 29/2019 the prison officials sent it's BACK Claims I did not address the Cell Number on my Envelope. As you can see my dorm Room Number Correct on it if I have ① days to file Direct Appeal. I'm in compliance with your Court Rules. The prison officials have sent it's back after they done opened and read it's it's my Appeal filed date expire on May 30/2019. I'm mailing it's back out on the May 30/2019 at 6:28 AM Thursday please appoint me a lawyer to help me. These prison officials refused