



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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June 13, 2019

Eddie Dean Dogan, Jr., #256596
Tyger River Correctional Institution
Upper Yard
200 Prison Road
Enoree SC 29335-9308

Re: Eddie D. Dogan, Jr., v. The State
Appellate Case No. 2017-001164

Dear Mr. Dogan:

The Court received your correspondence filed June 4, 2019. Our records reflect that remittitur has been sent, thus ending our court's jurisdiction over your appeal. Accordingly, we will not take any further action on your filing.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire
Derrick Bruce Bulsa, Esquire
M. Hope Blackley

MAY 17, 2019

STATE OF SOUTH CAROLINA COURT OF APPEALS IN S.C.

EDDIE DEAN DOGAN, JR. 256596

DEFENDENT

RECEIVED

JUN 04 2019

SC Court of Appeals

REQUEST CHIEF JUDGE TO
Review MAGISTRATES ORDER
OF APRIL 25, 1998 [F-654895]

ATTN: HONORABLE CHIEF JUDGE
JAMES EDWARD LOCKEMY
COURT OF APPEALS SEAT 5,
P.O. Box 750, Dillon S.C. 29536

SIR,

THIS IS A REFLECTION OF THE APRIL 11, 2019, CORRESPONDENCE
ADDRESSED TO CHIEF JUSTICE LOCKEMY, THE S.C. COURT OF APPEALS
CLERK STATES OUR RECORD REFLECT THAT REMITTITUR HAS BEEN
SENT, THIS ENDING OUR COURT'S JURISDICTION OVER YOUR APPEAL.
THEY CITED APPELLATE CASE NO. 2017-001164.

IT APPEARS THAT MY FILING WAS MIS-CONSTRUED BY SOUTH CAROLINA
COURT OF APPEALS. WHEN THEY RECITED THE APPEAL CASE NO. -
2017-001164 ACTION, THIS MOTION THAT SEEKS YOUR DISCRETIONARY
REVIEW, BECAUSE I AGREE WITH THE APPELLATE COURT IN
THEIR RULING, UPHOLD IN CASE LAW, SOUTH CAROLINA LAW -
ENFORCEMENT DIVISION v. SPEEDMASTER, S/N 00218, STATES:
MAGISTRATES FACTUAL FINDINGS, CONFIRMED BY THE
CIRCUIT COURT, MUST BE UPHOLD BY THE APPELLATE COURT
IF SUPPORTED BY ANY EVIDENCE

PURSUANT TO RULE 2(A) S.C. RULE OF CRIMINAL PROCEDURE, STATES: ANY
DEFENDANT CHARGED WITH A CRIME NOT TRIABLE BY A MAGISTRATE
SHALL BE BROUGHT BEFORE A MAGISTRATE AND SHALL BE GIVEN
NOTICE OF THE HIS RIGHT TO A PRELIMINARY HEARING SOLELY
TO DETERMINE WHETHER SUFFICIENT EVIDENCE EXIST TO
WARRANT THE DEFENDANTS DETENTION AND TRIAL.

MAY 17, 2019

RULE 2(C) PROBABLE CAUSE: IF PROBABLE CAUSE BE FOUND BY THE MAGISTRATE, THE DEFENDANT SHALL BE BOUND OVER TO THE COURT OF GENERAL SESSIONS. IF THERE BE A LACK OF PROBABLE CAUSE, THE DEFENDANT SHALL BE DISCHARGED.

ARGUMENT

THE MAGISTRATES JUDGE RULING THAT WOULD HAVE BEEN PIVOTAL TO ME BEING BOUND OVER TO GENERAL SESSIONS COURT WITHOUT A MAGISTRATES ORDER, IS VOID. THERE IS NO WHERE IN THE RULES WHICH STATE DEFENDANT SHALL BE HEARD BY A CIVIL "JUDGE" OF GENERAL SESSIONS. THEN BE TURNED OVER TO A CRIMINAL "MAGISTRATE" JUDGE, BECAUSE THE CRIMINAL PROCEEDINGS HAS BEEN EXCLUDED. IM BEING PUNISHED FOR EXERCISING A RIGHT TO BE TREATED FAIRLY BY THE LAW, EVEN THOUGH THEY DIDNT HAVE THIS NEW DNA TECHNOLOGY IN THE 90'S., THE RULE'S WERE AT HAND TO BE SUFFICIENT FOR LAW, RULE 2(C) S.C.R. CRIM. PROC., WHICH NO ONE WANTS TO RECOGNIZE THIS ERROR,

RULE 3(e) RECORD OF PROCEEDINGS: ANY ACTION TAKEN PURSUANT TO PARAGRAPH (a), (b), and (c) ABOVE SHALL BE ENTERED IN THE RECORD OF THE CLERK OF COURT PURSUANT TO PROCEDURES NOW OR HEREAFTER PROMULGATED BY THE OFFICE OF SOUTH CAROLINA COURT ADMINISTRATION.

§ 22-3-300

STATES: A MAGISTRATE, ON DEMAND OF A PARTY IN WHOSE FAVOR HE SHALL HAVE RENDERED A JUDGMENT, SHALL GIVE A TRANSCRIPT THEREOF WHICH MAY BE FILED AND DOCKETED IN THE OFFICE OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE JUDGMENT WAS RENDERED. NO PROCEEDING SHALL BE MADE UNDER ANY EXECUTION ISSUED UPON SUCH JUDGMENT IN THE CIRCUIT COURT UNTIL THE TIME FOR APPEAL FROM THE JUDGMENT IN THE MAGISTRATE COURT HAS EXPIRED.

ARGUMENT

I DOGAN CLAIM THE ABOVE LANGUAGE CITED IN THE,

MAY 17, 2019

IN STATUTE, WHERE ITS UNDERLYNED CLAIM, NO PROCEEDING SHALL BE MADE UNDER ANY EXECUTION ISSUED UNTILL THE TIME HAS EXPIRED FOR MAGISTRATE JUDGE RULING ON ARREST WARRANT.

ISSUE

SUPREME COURT CHIEF JUSTICE JEAN H. TOAL STATED IN 2005, POINT THE FINGER AT THE ONE WHO DID YOU WRONG NOT THE AGENCY.

FACT

FOR 21 YEARS MY LIFE HAS BEEN IN DANGER, FOR THE CASE OF CSCU, CRIMINAL SEXUAL CONDUCT WITH A MINOR, F-654895, THE COUNTER-PARTS OF THIS ALLEGED MISCONDUCT HAS NEVER BEEN FILED IN THE APPROPRIATE CLERK OF COURT OFFICE BASE ON DEFINITION OF RULE 1, SCR CRIM. PROC. AND RULE 2(C)(C), SCR CRIM. PROC. AND RULE 3(C)(C)(C), SCR CRIM. PROC. HAD THIS BEEN ADJUDICATED IN THE MAGISTRATE'S CAPACITY, THEN I WOULD NOT HAVE AN ARGUMENT, APPARENTLY, THIS PROCEEDING WAS EXCLUDED FROM DOGAN, T DOGAN NEVER BOND-OUT, REMAINED IN JAIL DETENTION FOR 11 MONTH'S. THE APPELLATE COURT NEVER HAD THIS OR THESE DOCUMENT TO MAKE A TRUE RULING ON, THEY ONLY HAD THE RULING OF THE CIVIL CIRCUIT JUDGE OF THE COURT OF GENERAL SESSIONS COURT.

CONCLUSION

INSTEAD OF SENDING THE APPEALS COURT THIS RESPONSE PLEASE SEND TO ME FOR CORRESPONDENCE. BECAUSE THEY ARE WITHHOLDING PIVOTAL PROCEEDING THAT WAS SEEK-OUT-OR-EXECUTED BUT NOT FILED, ON RECORD, ALL THAT IS FILED ON RECORD IS CIVIL JUDGE RULING FROM General Sessions Court / COMMON PLEAS, NOT ONE RULING FROM A MAGISTRATE CRIMINAL COURT. JUDGE. WHICH IS A VIOLATION IN SPIRIT OF ALL LAW, PRECEDENT CASE LAW DICTATED BY U.S SUPREME COURT AUTHOR OF BILL JURISPRUDENCE NAME & SIGNATURE, SEE U.S. v. POOLE, 531 F.3d 263 [4th Cir. 2008], IF YOU AGREE, I'LL SHOW YOU THE VIOLATION IN RULES AND DOCUMENTS.

Eddie D. Dogan jr

ARREST WARRANT

4/29/98

F- 654895

STATE OF SOUTH CAROLINA

County/ Municipality of SPARTANBURG COUNTY

THE STATE against

DOGAN, EDDIE DEAN

Address 530 B BRAWLEY ST SPTBG, SC

Phone: SSN:

Sex: Race: Height: Weight:

DL State: DL #:

DOB: Agency ORI #:

Prosecuting Agency:

Prosecuting Officer: BOYD, CHERYL

Offense: Sex/Crim sex conduct w/min

(11yrs-1st deg Offense Code: 0385

Code/Ordinance Sec. 16-03-0655(1)

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 DOGAN, EDDIE DEAN

on 04-26-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

JIMMY HENSON P O BOX 416 PACOLET MILLS, SC 29373

STATE OF SOUTH CAROLINA County/ Municipality of SPARTANBURG COUNTY

Personally appeared before me the affiant BOYD, CHERYL being duly sworn deposes and says that defendant DOGAN, EDDIE DEAN did within this county and state on 04/25/98 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of SPARTANBURG) in the following particulars:

DESCRIPTION OF OFFENSE: Sex/Crim sex conduct w/min <11yrs-1st deg 16-03-0655(1)

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: THE DEFENDANT DID COMMIT A SEXUAL BATTERY ON A MINOR CHILD, THE VICTIM BEING 9 YEARS OF AGE, SHE BEING UNDER THE AGE OF 11, AND THE DEFENDANT BEING MORE THAN THREE YEARS OLDER THAN SAID VICTIM.

AFFIANT'S BELIEF IS BASED ON POLICE INVESTIGATION.

Sworn to and subscribed before me on APRIL 25, 1998 Signature of Issuing Judge (L.S.)

Signature of Affiant Affiant's Address SPTBG CITY PD SPTBG, SC 00000 Affiant's Telephone 596-2065

STATE OF SOUTH CAROLINA County/ Municipality of SPARTANBURG

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 04/25/98 defendant DOGAN, EDDIE DEAN did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of SPARTANBURG) as set forth below:

DESCRIPTION OF OFFENSE: Sex/Crim sex conduct w/min <11yrs-1st deg 16-03-0655(1)

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 (L.S.) JIMMY HENSON Judge Code: 869

Judge's Address P O BOX 416 PACOLET MILLS, SC 29373 Judge's Telephone 854-474-0344 Issuing Court: Magistrate Municipal Circuit

ORIGINAL

7:18-3129-HMH-TER

AFFIDAVIT CASE # F654895

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

APR 29 PM 4:16 MARK HARRISON

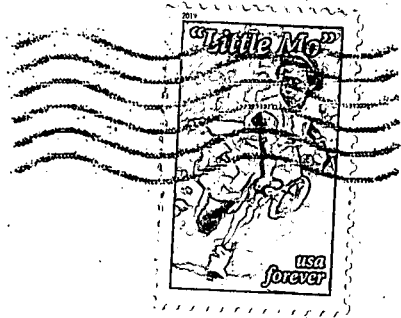
SPC

EXHIBIT B1

Mr. Eddie DiDagan Jr. # 256596
T.R.C.I. Unit 3A - 214 4/4
200 Prison Rd.
Enoree, S.C. 29335

GREENWILE SC 29526

20 MAY 2019 PM 1:11



RECEIVED

JUN 04 2019

SC Court of Appeals

ATTN: Chief Judge
James Edward Lackemy
Court of Appeals Seat 5
P.O. Box 750, Dillon, S.C. 29536

29536-075959

