

October 19 2018

The Honorable Daniel E. Shearouse
Clerk of the S.C. Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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OCT 17 2018

S.C. SUPREME COURT

RE: Patrick P. Bryant, SCDC No. 215212
Appellate Case No. 2018-001759
Lower Court Case No. 2018-CP-22-00220

Dear Honorable Shearouse:

Enclosed for filing is my Explanation of Appeal pursuant to Rule 246(c), SCACR, and Proof of Service for same upon the Respondent with your office.

Sincerely,

Patrick P. Bryant

Patrick P. Bryant

SCDC No. 215212

Room-Dorm-Bunk-Q1A-222-B

Perry Correctional Institution

430 Oaklawn Road

Pelzer, South Carolina 29669

Pro Se

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM GEORGETOWN COUNTY

S.C. SUPREME COURT

Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Appellate Case No: 2018-001759

Lower Court Case No. 2018-CP-22-00220

Patrick P. Bryant.....Appellant

v.

The State.....Respondent

Explanation of Appeal Pursuant to Rule 246(c), SCACR

Pursuant to Rule 243, SCACR, Patrick P. Bryant, SCDC No. 215212, files this Explanation of his Appeal of his conviction for his second degree criminal sexual conduct and life sentence pursuant to S.C. Code Ann. §17-25-45.

Accordingly, the petitioner contends that the trial court lacked subject-matter jurisdiction to convict and sentence him for his unindicted second degree criminal sexual conduct with a minor offense.

For the court's consideration of this claim by the petitioner, he submits that his second degree csc indictment indicates that he was indicted for this offense on July 18, 2007 in Georgetown County.¹ However, contrary to the date listed on his csc second degree indictment, he obtained a General Sessions Court calendar from the S.C.

Court Administration showing that the General Sessions Court in Georgetown did not convene until July 23, 2007.²

With regards to such a calendar provided by the S.C. Court Administration, the U.S. Supreme Court has held that such "government records and officials conduct should be accorded a presumption of legitimacy. See Dept. of State v. Ray, 502 U.S. 164, 112, S. Ct. 541 (1991).

Finally, in keeping with the mandatory provisions of the S.C. Constitution and statutory laws, the Georgetown County Grand Jury could not have lawfully presented the petitioner's csc second degree indictment on July 18, 2007, when there was no term of General Sessions Court in Georgetown County to confer "subject matter jurisdiction" upon the Circuit Court to convict the petitioner.

-
1. See csc second-degree indictment attached hereto as Exhibit A-1-2.
 2. See certified court calendar from the S.C. Court Administration attached hereto as Exhibit B.

Conclusion

Wherefore, for the foregoing reason(s), this Honorable Court should grant petitioner's appeal to rule on the merits of his subject-matter jurisdiction claim, which can be raised at anytime.

/s/ Patrick P. Bryant

Patrick P. Bryant

SCDC No. 215212

Room-Dorm-Bunk-Q1A-222-B

Perry Correctional Institution

430 Oaklawn Road

Pelzer, South Carolina 29669

Pro Se

This 12 day of Friday, 12, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM GEORGETOWN COUNTY

S.C. SUPREME COURT

Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Appellate Case No: 2018-001759

Lower Court Case No. 2018-CP-22-00220

Patrick P. Bryant.....Appellant

v.

The State.....Respondent

Proof of Service

I, Patrick P. Bryant, do hereby certify that I have served a true copy of my Explanation of Appeal pursuant to Rule 246(c), SCACR, by depositing a copy of it in the U.S. Mail, postage prepaid, on Friday, 12, 2018, addressed to attorney of record, Johnny E. James, Jr., Assistant Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549.

/s/ Patrick P. Bryant

Patrick P. Bryant

SCDC No. 215212

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430 Oaklawn Road

Pelzer, South Carolina 29669

Pro Se

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OCT 12 2018

P.C.I. MAILROOM

The State of South Carolina,

County of Georgetown.

20846

DCB

COURT OF GENERAL SESSIONS

JULY TERM 2007

THE STATE

vs.

PATRICK PERCIVAL BRYANT

Pawleys Island, SC 29585

DOB: [REDACTED]

SSN: [REDACTED]

J. GREGORY HEMBREE, SOLICITOR

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

WITNESSES:

Sheriff's

Georgetown Police Department

ARREST WARRANT NUMBER:

A/W: Direct Indictment

CDR: 0396 §16-03-0655(B)(2)

DL:

DOI: 6-5-05

SID: SC00573724

ACTION OF GRAND JURY

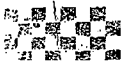
TRUE BILL

Date 07-18-07
Foreman of Grand Jury [Signature]

VERDICT

Foreman of Petit Jury

(1) Exhibit A-1 2017-07-28-00014



STATE OF SOUTH CAROLINA)

INDICTMENT FOR:

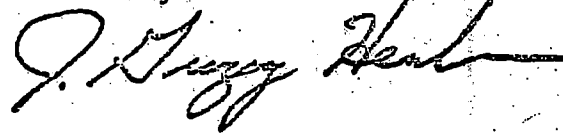
COUNTY OF GEORGETOWN)

CRIMINAL SEXUAL CONDUCT WITH A MNOR,
SECOND DEGREE

At the Court of General Sessions, Convened on July 18, 2007 the Grand Jurors of Georgetown County present upon their oath:

That Patrick Percival Bryant, born on [REDACTED] did in Georgetown County on or about June 5, 2005, engage in sexual battery with a victim at least fourteen years of age, but less than sixteen, Name S., born on [REDACTED] and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim, in violation of Section 16-3-0655(B)(2), S. C. Code of Laws, 1976, as amended.

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



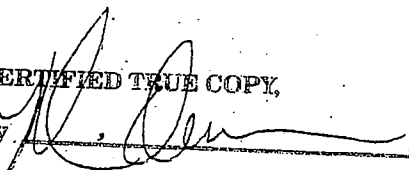
SOLICITOR

2017-CP-22-00896

**Terms of Circuit and Family Court
July 2007**

Circuit Number	7/2/2007	7/9/2007	7/16/2007	7/23/2007	7/30/2007
15	General Sessions 3 Horry Lockemy, James HARRIS 3 General Sessions 6 Horry Lockemy, James BABB 6	Common Pleas Non-Jury Baxley, J. BUCKNER 9, 10 NO CR NEEDED 11, 12, 13 Common Pleas Horry John, Steven EUBANK	General Sessions Horry Lockemy, James HARRIS General Sessions Horry Baxley, J. BUCKNER	General Sessions Georgetown Baxley, J. HURLEY General Sessions Horry John, Steven EUBANK General Sessions Horry Lockemy, James HARRIS 23, 24, 25, 26 NO CR NEEDED 27 Common Pleas Non-Jury 24, 25, 26 Newman, Clifton KELLY 24, 25, 26	General Sessions Georgetown Baxley, J. HURLEY 30, 31, 1 NO CR NEEDED 2, 3 Common Pleas Non-Jury/PCR Milling, John BABB Common Pleas Horry John, Steven BUCKNER

CERTIFIED TRUE COPY,

By 

South Carolina Court Administration

Mail From:

Patrick P. Bryant

#215212-QIA-222

PCI

430 Oaklawn Road

Pelzer, SC 29669

Mail To:

The Honorable Daniel E. Shear
Clerk of the S.C. Supreme C
Post Office Box 11330
Columbia, SC 29211

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