

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF GENERAL
SECESSION:

Edward Anthony)

Vs.)

STATE OF SOUTH CAROLINA)

APPELLATE CASE NO 2018-000628

RECEIVED
AUG 26 2019
SC Court of Appeals

MOTION OF ATTACHMENT

NOW COMES Edward Anthony, by and through counsel, and moves this Court to attach the following information to better help the alleged case. Because there is a "PLAIN FACE ERROR at hand:

STATEMENT OF THE FACTS

On March 16, 2014, a petition and affidavit were presented to the Aiken County judge Sheridan Lee Lynn Jr... The hearing alleging that Mr. Anthony was Resisting Arrest at the Belk's department store on March 17, 2014. The next day, a magistrate found that there were reasonable grounds to believe the facts alleged in the petition were true and issued a warrant for Mr. Anthony.

Look at number 1 the Purple and Green marks on exhibit 1.

1. The arresting officer name is deputy Denial Smith of North Augusta Police Department, and as you can see on the purple markings, Deputy name is on the left side of the page
 - (a) But look at the top of the page. Deputy Smith name is lined out, meaning that when Deputy Smith appeared in front of Judge Lynn Jr. The officer never established probable

cause to obtain the warrant. So Jason Schquner appeared in front of the judge for the second time under oath and violation of the 8th amendment to the United States constitution.

Look at number 2 the Green N Brown

2. If Deputy Smith badge number is 288 on the left,
 - (a) Why on the right hand side by the signature is 295, and not of 288, which is Deputy Smith badge number 288, showing proof of the scheme by both police officer.

Look at number 3 the orange and pink circles

3. On the top of the page, Deputy Jason Schquner has put his name there.
 - (a) Now look at the signature of Deputy Smith on the line. Deputy Smith first name is Denial and his last name is Smith. In Deputy Smith last letter and his name is an "H".

This is the second time that both officers have appeared in front of the same judge. Deputy Jason Schquner never signed the paper on March 17, 2014, he left Deputy Smith signature. But forgot to put his **John Hancock** instead, showing that Deputy Smith appeared in front of the judge the first and not establishing probable cause. You can clearly that the corrupt Cops have erred by doing so.

As you can see my burden of proof is that the officers have lied to obtain the warrant to cover up there wrong doing to the defendant on March 16, 2014. When there was no evidence obtained to establish probable cause to arrest the defendant looking at the video surveillance from the store looking at the tapes. Deputy Smith lied at trial on April 14, 2015, to the prosecution as well. But when the video surveillance video was showed at trial, the officer changed his story on the record.

(Exhibit 2)

In Deputy Smith admitted to returning back to the store, to get evidence as you can see. The evidence in exhibit 2 is a store receipt. That has May 21, 2014 on is, when the defendant was arrested on March 16, 2014.

Just like they stated that the defendant allegedly shoplifted 7 items, but looking at the receipt its only 3 items, and not 7 items.

(On exhibit 4), there was no evidence found on the petitioner to establish probable cause. Like at trial when the accuser was asked did the petitioner go outside, under oath she stated no, I never walked outside.

(Exhibit 3)

The evidence was withheld from court and public defender Bradley failed to investigate for more evidence to show that defendant Edward Anthony was innocent of the alleged crime. The petitioner has questioned the judge that signed off on the warrant. In error a crime by the police officers to cover up the wrong doing by lying under oath to obtain the warrant that is a scheme or false hood.

Conclusion

Under the Fourteenth Amendment, a State is not free to adopt whatever procedures it pleases for dealing with obscenity without regard to the possible consequences for constitutionally protected. Indictment for Prosecutorial Misconduct in Grand Jury Proceedings, the defendant alleges a "pervasive pattern of prosecutorial misconduct prejudicing the Defendant in underlying that the case lacks merit.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry

The operative language is the so-called "defraud clause," that prohibits conspiracies to defraud the United States. This clause creates a separate offense from the offense clause. The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of government . . . (A)ny conspiracy which is calculated to obstruct or impair its efficiency and destroy the value of its operation and reports as fair, impartial and reasonably accurate, would be to defraud the United States by depriving it of its lawful right and duty of promulgating or diffusing the information so officially acquired in the way and at the time required by law or departmental regulation.

United States Code, requires that the statement or representation actually be false, and the government has the burden of establishing the alleged falsity of the statement. *Webster's Dictionary* defines the adjective "false" as "not corresponding to truth or reality." Although a statement may be misleading, unauthorized, or even fraudulent, a conviction under this section generally cannot be sustained unless the statement also is false. The statute also covers half-truths where there is a duty to speak the truth--as in a sworn deposition before an agency.

A police report can contain two types of false information: affirmative falsehoods and falsehoods by omission. An affirmative falsehood is a lie. For example, someone claims their neighbor punched them when the neighbor never even touched them. A falsehood by omission leaves out important information. It's technically true but misleading.

A police officer who fabricates evidence against a criminal defendant to obtain his conviction violates the defendant's constitutional right to due process of law. Second, the prosecutor instrumental in the initiation of the criminal case against Antony has acknowledged that the falsehood by prosecute. Moreover, without that falsehood by the police officer, there would not have been direct evidence linking Anthony to the crimes so that the prosecutor would not have had cause to prosecute Anthony. Therefore, the Courts have erred in convicting or proceeded with the case, when it lacked probable cause to arrest on March 16, 2014. But a store surveillance camera captured the true story: There's no evidence or merchandise in sight as the police officer search Anthony and investigate the video of the store.

When Anthony lawyer sought to play the video in court, prosecutors in the court room, the judge should have dropped the case. When hiding from view a problem so old and persistent that the criminal justice system sometimes responds with little more than a shrug: false testimony by the police.

In these cases, officers have lied about the evidence, putting him in suspects' handcuffs when they were no actually evidence hidden out of sight. They conducted searches, Under oath, they have given firsthand accounts of crimes or arrests that they did not in fact witness. They have falsely claimed to have watched the deals happen, only to later recant or be shown to have lied.

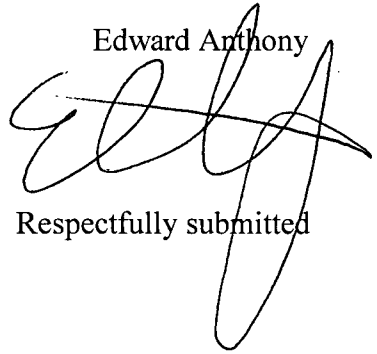
The Fifth Amendment of the U.S. Constitution provides, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The clauses incorporated within the Fifth Amendment outline basic constitutional limits on police procedure. The Framers derived the Grand Juries Clause and the Due Process Clause from the Magna Carta, dating back to 1215. Scholars consider the Fifth Amendment as capable of breaking down into the following five distinct constitutional rights: 1) right to indictment by the grand jury before any criminal charges for felonious crimes, 2) a prohibition on double jeopardy, 3) a right against forced self-incrimination, 4) a guarantee that all criminal defendants have a fair trial, and 5) a guarantee that government cannot seize private property without making a due compensation at the market value of the property.

The Double Jeopardy Clause aims to protect against the harassment of an individual through successive prosecutions of the same alleged act, to ensure the significance of an acquittal, and to prevent the state from putting the defendant through the emotional, psychological, physical, and financial troubles that would accompany multiple trials for the same alleged offense. Courts have interpreted the Double Jeopardy Clause as accomplishing these goals by providing the following three distinct rights: a guarantee that a defendant will not face a second prosecution after an acquittal, a guarantee that a defendant will not face a second prosecution after a conviction, and a guarantee that a defendant will not receive multiple punishments for the same offense.

The guarantee of due process for all persons requires the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before the government can deprive any person of life, liberty, or property. Due process essentially guarantees that a party will receive a fundamentally fair, orderly, and just judicial proceeding. While the Fifth Amendment only applies to the federal government, the identical text in the Fourteenth Amendment explicitly applies this due process requirement to the states as well. So with the jurisdiction of the appeals court hand, I'm asking that you all reverse this matter and give a retrial please in thank you all.

Edward Anthony



Respectfully submitted



ARREST WARRANT
ELECTRONICALLY FILED - 2017 Nov 28 4:17 PM - AIKEN - COMMON PLEAS - CASE#2017CP0200213

2014A0211000051

1a

3

STATE OF SOUTH CAROLINA
County: Aiken Municipality of: _____

THE STATE against Edward Rodriguez Anthony
MA #19 14-000678

Address: 2210 Bungalow Road
Augusta, GA 30906

Phone: _____
Sex: M Race: B Height: 6 2 Weight: 302
DL State: _____ DL #: _____
DOB: 3/29/1979

Prosecuting Agency: North Augusta Police Department
Prosecuting Officer: D Smith-288

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)
Offense Code: 2877
Code/Ordinance Sec: 16-13-0110(A)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of _____

is to be arrested and brought before me to be dealt with according to the law. The accused to be _____

Date: _____ (L.S.)
Signature of Judge _____

AFFIDAVIT ORIGINAL

I, D Smith, Affiant, personally appeared before me the affiant being duly sworn deposes and says that defendant Edward Rodriguez Anthony did within this county and state on or about 3/16/2014 State of South Carolina (or ordinance of County/ Municipality of Aiken) who violates the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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:

UPON INFORMATION AND BELIEF, THAT ON MARCH 16, 2014, THE DEFENDANT, EDWARD RODRIGUEZ ANTHONY, DID CONCEAL CLOTHING ITEMS WHILE INSIDE OF BELK'S DRESSING ROOM AND THEN PROCEED TO PASS ALL POINTS OF SALE WITHOUT PAYING FOR THE ITEMS AND EXIT THE STORE. THIS OFFENSE OCCURRING AT 1163 KNOX AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-13-110 OF THE S.C. CODE OF LAWS.

1

2

3

2a

RETURN

A copy of this arrest warrant was delivered to defendant Edward Rodriguez Anthony on 3/17/2014 12:08

Signature of Law Enforcement Officer: _____

RETURN WARRANT TO:
General Sessions
PO Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
County: Aiken Municipality of: _____

Affiant's Address: 444 East Buena Vista Ave
North Augusta, SC 29841-
Affiant's Telephone: _____

Signature of Affiant: _____

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 or about 3/16/2014 defendant Edward Rodriguez Anthony did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Having found probable cause and the above affiant having sworn before me, 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 Sworn to and subscribed before me on 3/17/2014

Judge's Address: Aiken, SC 29801-8743
Judge's Telephone: (803)642-2044
Issuing Court: Magistrate Municipal Circuit

Signature of Judge: _____ (L.S.)
Sheridan Lee Lynn Jr.
Judge Code: 3034

ORIGINAL ORIGINAL ORIGINAL

(Exhibit "1")

* (Fruit of the Poisonous Tree) *



1163 KNOX AVE
 1163 KNOX AVE
 NORTH AUGUSTA, SC 29841
 (803) 279-4420
 STORE MANAGER: WILL BRILL

May 21, 2015

(Mapp v. Ohio)

STORE: 0299 REG: 5064 V01.6b
 TRAN#: 2373 ASSOC: 003778

ASSOCIATE NAME: JULIAN

SALE

DENIM PANTS			
690742516534	1	39.99	39.99
62 00 PERM MKDN			
KNIT TOPS			
BBB132374B13	1	49.99	49.99
89 50 PERM MKDN			
59.99 NEW PRICE			49.99
KNIT TOPS			
BBB132374B13	1	49.99	49.99
89 50 PERM MKDN			
59.99 NEW PRICE			49.99

1. only 3 items
 2. Now if there was NO
 3. Evidence on March 16, 2014, Like to Police Report States on (Exhibit 4)

QUANTITY: 003 SUB-TOTAL 139.97
 SC 7% TAX 9.80
 TOTAL 149.77
 CASH 149.77

YOU SAVED \$ 101.03

Shop Belk.com 24/7
 For Great gift ideas
 Free Shipping everyday
 See Belk.com for details
 Thank you for shopping at Belk. Please
 retain receipt for return or exchange

** REPRINT COPY **

Then IN violation of the Bill of Rights, Civil Rights, and Equal Rights

Now allegedly was 7 items and now they are only 3 items. The date is not of March 16, 2014, but of May 21, 2014, when I was arrested on March 16, 2014.

Judge Lawton McIntosh overruled to the tainted evidence at trial April of 2015, depriving the petitioner of a fair trial IN (Violation of Constitutional Rights)

(Exhibit 2)

(Exhibit 3) ADDITIONAL NARRATIVE

Agency Name: North Augusta Department of Public Safety ORI #: SC0020300 Report Date/Time: 03/16/2014 18:52 OCA #: 14-00

SHOPLIFTING <\$2000

ON 3/17/2014, JUDGE LYNN SIGNED INTO SERVICE ARREST WARRANT 2014A0211000051 FOR SHOPLIFTING <\$2000 ENHANCEMENT. PSO SCHOENER DELIVERED THE ARREST WARRANT TO ACDC, WHERE IT WAS SERVED ON EDWARD ANTHONY. THE WARRANT WAS SERVED BY ACDC SGT. COCKRELL. NOTHING FURTHER.

PSO SCHOENER
3/17/2014

SGT. D. A. BUNCH
3/17/14

Withheld

MAR 07 2017
MAR 07 2017

Dear Mr. Judge LYNN

March 07, 2017

My name is Edward Anthony and I'm writing you requesting that you send me a copy of the Application for the criminal Arrest warrant that Jason Schoener PSO # 295. Appeared in front of you on March 16, 2014. Because the courts in South Carolina Administration and Columbia, SC, told me to write your office, I wrote the Aiken Clerk of Courts asking for the supporting Affidavits from Jason Schoener.

Remember Clint Pearson, Gleen Nichols, and Daniel Smith. Never appeared in front of you on March 17, 2014. The only one who did was "PSO Jason Schoener # 295". So if you don't have the supporting Affidavit from Jason Schoener, then the Arrest warrant is defective that you signed off on. In all of the element that are on the Arrest warrant are not there and don't exist, to establish probable cause to Arrest me. So the Police Officers have misled you to believe that I committed the alleged crime on March 16, 2014.

At trial on April of 2015, you will see that the loss-prevention lady has committed perjury and has been extremely bias towards me. There are parts from my trial transcript that I'm sending you as my Burden of Proof. This will show you that my Constitutional Rights have been violated by the Police Office and Accuser has lied. The 4th Amendment protects me from unuseful searches and seizures. But if you arrest me on March 16, 2014, and there is no evidence of me shoplifting, so on May 21, 2014, the officer returned to obtain evidence to secure a conviction. The jury asked, about the withheld evidence. But the Public Defender, Judge, and Solicitor, error. But my Civil Right Attorney Jeffrey Veltus states in the latter that I have that my Equal Rights have been violated, and my safeguard is imposed. So they have to arrest someone because there is ill will against me. If legal obtain evidence and the jury requested the evidence, but we

"Federal Rules of Evidence Rule 103." "No Evidence" Doctrine"

ADDITIONAL NARRATIVE

27

Agency Name: North Augusta Department of Public Safety	ORI #: SC0020300	Report Date/Time: 03/16/2014	OCA #: 14-000676
---	---------------------	---------------------------------	---------------------

INT
THE STORE AGAIN. R/O WAS ADVISED TO ENTER THE STORE AND APPROACH THE SUBJECT. AFTER R/O ENTERED THE STORE, R/O COULD NOT LOCATE THE SUBJECT. R/O MET WITH THE COMPLAINANT, PATSY SINGLETARY (LOSS PREVENTION), WHO POINTED THE SUBJECT OUT INSIDE OF THE STORE. R/O MET WITH THE SUBJECT AND IDENTIFIED HIM AS EDWARD ANTHONY. MR. ANTHONY IMMEDIATELY RAISED HIS HANDS, HIS SHIRT, AND HIS VOICE AND BEGAN TO YELL, "I DIDNT DO NOTHING" R/O HAD MR. ANTHONY PLACE HIS HANDS ON TOP OF A CLOTHING RACK SO R/O COULD PERFORM A WEAPONS FRISK FOR OFFICER SAFETY PURPOSES. R/O HAD TO COMMAND MR. ANTHONY TO KEEP HIS HANDS ON THE CLOTHING RACK THREE TIMES. AS R/O BEGAN THE WEAPONS FRISK, MR. ANTHONY STATED, "I AIN'T GOT NOTHING, YOU CAN CHECK MY UNDERWEAR" R/O THEN SEARCHED MR. ANTHONY'S PERSON, AS HE HAD GIVEN CONSENT. R/O DID NOT LOCATE ANY CONTRABAND OR STOLEN ITEMS ON MR. ANTHONY'S PERSON. ✓

(Exhibit 4)

Edward Anthony
2210 Bungalow Rd
Augusta, Ga 30906



1000



29201

U.S. POSTAGE PAID
FCM, LG, ENV
AUGUSTA, GA
30906
AUG 23, 19
AMOUNT

\$1.15

R2304N118459-25

RECEIVED
AUG 26 2019
SC Court of Appeals

South Carolina Court of Appeals
1220 Senate St
Columbia, SC 29201