

IN THE SOUTH CAROLINA COURT OF APPEALS.

Gregory Allan IVERY, Prose,

Petitioner;

-US-

The State - Alan M. Wilson,

Respondent;

Appeal No. #: 2016-051723.

Greenville County, Hon. R. K. McMillan.

Team April 22, 2016.

Prose's Memorandum Brief Supplemental Amended to Appeal  
For Emergency release.

NEWLY DISCOVERY Evidence.

**RECEIVED**

AUG 15 2019

SC Court of Appeals

Respondent:

Alan M. Wilson

Atty. General

P.O. Box 11549

Columbus, SC 29211.

Prose:

Gregory Allan IVERY, 131131

Perry Ctr. Inst./ALU-198A

430 Oaklawn Rd.

Pelzer, SC 29669

(18 Pages Total)

Nov 14, 2019

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<p>1. Issues Presented:</p> <p>Did Court lack subject matter Jurisdiction once Solicitor forged the two Indictments &amp; are judgments void of the Court proceedings?</p>	1, 2
<p>2. Issues Presented:</p> <p>Was there a Crawford v. Washington, 124 U.S. 1354 (2004) violations by allowing new testifying Informant James Grant's Affidavit &amp; photo line up &amp; video of said drug sells, to be used by all witnesses &amp; did it violate Confrontation Clause?</p>	2, 3
<p>3 Issues Presented:</p> <p>Did Judge McMahon (Oct 11, 2012) void each conviction by failing to leave one standing along, by sentencing Pebe to 23 yrs, run concurrent to 10 yrs. &amp; then by running the 10 yrs, concurrent to the 23 yrs. one, on both final orders, voiding each other out?</p>	3
<p>4 Issues Presented:</p> <p>Did Court lack subject matter Jurisdiction by Indictments with distribute Cocaine Base (Crack Cocaine) with one half 1/2 mile proximity of Nicholson Community center) which isn't a school, park, church, as statute requires?</p>	3
<p>5 Issues Presented:</p> <p>Did PCR-McMahon, &amp; Seals Trial Judges, commit errors of law by not dismissing forged Indictments, by they kept them in their hands, &amp; was it mandatory they act upon them once they saw they were made illegally?</p>	4
<p>6 Issues Presented:</p> <p>Did trial Atty. Hamilton, &amp; PCR Atty. A.H. O'Neil &amp; Appellate Atty. Ganjehsani, Pebe's Counsel deny Pebe his 6th amend. rights at trial &amp; on Appeals by St. Hickland?</p>	4, 6.

Statement of Case.

Prose incorporates his appellate facts here to support & states solely  
C. Cottonman & others entered into a conspiracy to frame him by forging  
Inds. & by use of their names (2-19, 2001) on them.

## Argument one:

The Court lack Jurisdiction once Sols. Forged Indictments, by use of a old June, 2011 grand Jury one, that Clerk Filed (Dec. 27, 2011), but Sols. saw their 2011 June date, & marked through it & put 2012, which did not cure those Forgeries; nor did Grand Jury foreperson date it & both names match perfect once they are layed upon each other over a light source;

Nor could Sol. State make a copy of grand Jury name & just add Ind. 4-05-23-009010 & 009011, that's still forgery & voids both, by grand Jury never true billed these Indictments, see proof below pages (410) Exhibits, also proves Pobe Indict-ed by Sols. hands only before said crimes happen (6-30,11) by the sham (June 2011) & Clerk (Dec 27, 2011) Filed it, & the Greenville Police Dept. Charles Cochran appeared (Sept. 19, 2011) before a name grand Jury top left hand side ARREST WASH. NOT# MEO 22838 MA802284, more proof both Indts. were illegally forged copied by Sols.;

Pobe states Greenville News (Aug 2008) 1 on 2 page Article, that Sols. in Greenville, forged made three billed on Indictment every 20 seconds, by a meter machine Rubber stamp made of grand Jury signature,;

Which this was a form of kidnapping & illegal felony acts violating Pobe's 5th, 6th, 8th, 13th & 14th Amend. Constal. & due process & liberty interests, & Pobe states he just discovered this (Nov 14, 12) from another man whom knows the laws & seen 1000s of forged Indictments & warrants in 28,000 cases residence; S.C. Code 17-27-45(c) & subject matter can be raised on Appeal & Pobe does so;

see; Hooks, 577 S.E.2d 211 (S.C. 2003) Indt. defected or forged Judgt. can't be affirmed when by law Court had no right to act);;

see; Curtis, 575 S.E.2d 211 (S.C. 2003) 17-27-45(c) (Supp. 2002) Pobe has one year to file once newly discovery evidence is found);;

see; Williams, 671 S.E.2d 600 (S.C. 2008) Pobe can raise any constal. violations);;

see; Raley, 594 S.E.2d 478 (S.C. 2004) all courts have inherent power to set aside Judgt. gotten by frauds at any time thereafter);;

see; Small, 1519 S.E.2d 793 (CT App 1999) Court lack Subj. matt. Jurisd. can be raised at any time until its exhausted, even on Appeal & can't be waived);;

Argument one continued:

See; Labelle, 243 F. Supp. 2d 508 (D.S.C. 2001) Conspiracy exist when 2 or more join one agreed with intent to do an unlawful act or one that's lawful by unlawful means to harm a person, is proof of civil or criminal conspiracy);

See; Wilson, 433 S.E.2d 864 (S.C. 1993) Fatal defect in the Indict. invalidate it);

See; Locke, 533 S.E.2d 324 (S.C. 2000) Lack of Jurisd. maybe raised at any time & can't be technically exhausted);

See; Basulto, 487 F.2d 781, 785 (4th Cir. 1974) Prosecutor may not obtain an Ind. base on evidence known to him to be false or perjurious);

See; Knebler, 152 F.3d 304 (4th Cir. 1998) Judgment entered against def. over whom court doesn't have Jurisd. is void & can be raised even after Judgment has entered);

See; Primes, 564 S.E.2d 103 (S.C. 2002) Cir. Court has no Jurisd. to convict def. unless there is an Ind. by grand jury);

Prude seeks automatic release by facts above & known forged facts...

And:

Argument two:

The Court error by allowing use of non-testifying James Grant, affid. & photo line up & video to be used once he refused to testify & denied all claims of Sols., but Sols. whole case in chief was this non-witness Grant, violating the holdings layed down in Crawford, (2004), Quoting, Inahou, 497 U.S. 805 (1990) out of court statements are not admissible, simply because the truthfulness of it was corroborated by other evidence at trial, we change the whole landscape to stop these acts);

Which denied Prude fair trial & right to confront accuser by 5th Amend. Confrontation clause also was circumvented by Sols.;

See; Pointer, 380 U.S. 400, 403 (1965) 6th Amend. The accused shall enjoy the right to be confronted with the witnesses against him, by due process of 14th Amend.);

See; Maryland, 497 U.S. 836, 846 (1990) Face to face enhances the accuracy for the

Argument two continued:

Footfinders to promote Justice);

— This was error by Court & Ineff. assist. also to allow such circumventing of Confrontation rights, should mandate over-turning of Judge's to; And;

Argument three:

— Prose states Judge McMahon, on (2/11/2012) voided both Judgments by failing to leave the 23 yrs. standing along, & not to run it concurrent to the 10 yrs, & by he then ran the 10 yrs. concurrent to the 23 yrs. voiding out both sentences;

— Judge McMahon, should have said a sentence goes to 23 yrs, & then not checked off concurrent, & then sentenced Prose to 10 years, to run concurrent would be a proper sentencing.

see; Wayward, 564 S. 52d 378 (5C. 2002) Jurisd. can't be waived & Court has to raise it & can be raised on appeal first time, to ensure orderly admin. of Justice)

— Court knows one doesn't have to build a concurrent sentence!?

— see proof below Exhibits of Sentence Judge's sheets pages (11 & 12) orders;

— And;

Argument four:

— Prose states, Court lack Jurisd. by lack of proof of school, park or church, was in 1/2 mile of said drug sells, (Community center) isn't these places as statutes requires, And's. states school or park, (a park is where one goes swing, picnicking, lay in sun) Fuel 11-008810, so there's lack of evidence to support this forged Judge's, & no map just put up by state to prove locations.

(see; Jackson, 443 U.S. 307 (1979) No Evidence to support conviction);

— And it wasn't Prose's place to prove state's false cases—Forged Judge's!?

— And;

### Argument Five:

Prose states, PCR-mcmahon, & seals that Judges<sup>r</sup>, fail to dismiss both Judgments once they saw the above argument. NOT one; was errors of law failing to raise on its own motion; if its mandatory they do so, so they will render no Judgment. Per lack of Jurisd., which denied Prose due process & fair proceedings. See; Rome, 513 S.E.2d 379, 334 (S.C. App. 1988) lack of subject matter may not be waived even by consent of parties & should be taken notice of by the Court itself; see; Evans, 766 S.E.2d 44, 46, (S.C. App. 1988) we noted, Fraud which does or attempts to subvert the integrity of the Court itself, by an officer of it, so the Judicial machinery cannot perform its duty, allows setting aside the Judgment; see; Johnson, 582 S.E.2d 278 (S.C. App. 1988) its Ct's. duty, to ensure it renders no Judgment or decision in matters when it had no authority to act & subject matter may be raised at any time & even after Judgment has entered to promote Justice; And;

### Argument Six:

Prose states, trial & appellate counsel denied him his 6th Amend. rights by the Strickland standard, failing to brief & argue the above NOTS. 1, 2, 3, arguments, which both were trained to watch for forged documents, and should have been; & fail below a reasonable standard, which Court can hear those constitutional violations to; see; Strickland, 466 U.S. 668 (1984) counsel fail below a reasonable objectable assist. standard; see; Thiff, 397 S.E.2d 523 (S.C. 1980) def is constitutionally entitled to eff. assist. of counsel on appeal; see; Mason, 97 F.3d 887 (7th Cir. 1996) 6th Amend. entitles Prose to eff. assist. of counsel on his first appeal as of right & when appellate counsel omits without legitimate strategic purpose, a significant & obvious issue, we'll deem his/her performance



Office of the Clerk of Court  
Greenville, South Carolina  
Paul B. Wickensimer  
Clerk of Court

Circuit Court Division  
Greenville County Courthouse  
305 East North Street  
Greenville, South Carolina 29601  
(864) 467-8551 FAX (864) 467-8540

June 3, 2015

Ivory Gregory #131131  
Lieber C.I.  
P.O. Box 205  
Ridgeville, SC 29472

Dear Mr. Gregory:

Your letter postmarked 5/28/2015 was received 6/3/2015. Enclosed please find the copies you requested for the indictment numbers you provided.

With this mailing you have received copies of all the documents filed with the Clerk of Court (including trial exhibits) as of today's date for the warrant numbers listed in your letter.

Sincerely,  
Clerk of Court  
Greenville County General Sessions

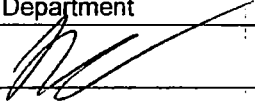
*Exhibits*

WITNESSES

Charles Cothran

Greenville Police Department

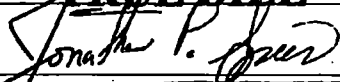
9/19/2011



ARREST WARRANT NUMBER  
M802284

ACTION OF GRAND JURY

**TRUE BILL**

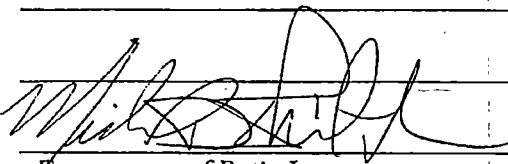


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

*GUilty*



Foreperson of Petit Jury

Date: 12/11/12

DOCKET NO. 2011-GS-23-  
KBS

009810

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2011

2012

THE STATE

vs.

GREGORY ALLAN IVERY

Indictment for

0107

DISTRIBUTION OF COCAINE BASE WITHIN 1/2  
MILE OF A SCHOOL OR PARK

VIOLATION § 44-53-0445

Exhibits  
7-

RECEIVED

DEC 27 2011

Clerk of Court  
Greenville County

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
DISTRIBUTION OF COCAINE BASE WITHIN 1/2 MILE OF A  
SCHOOL OR PARK

JUN 12 2012

At a Court of General Sessions, convened on

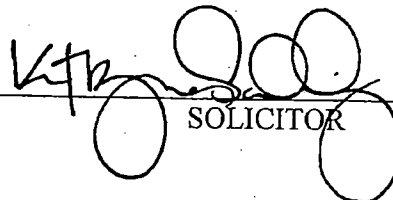
the Grand Jurors of Greenville

County present upon their oath:

That GREGORY ALLAN IVERY did in Greenville County, on or about the 30th day of June 2011, distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, while being within one-half (1/2) mile proximity of NICHOLTOWN COMMUNITY CENTER. This is in violation of §44-53-445 of the South Carolina 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.

Exhibits  
8

  
SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
DISTRIBUTION OF COCAINE BASE (CRACK COCAINE)

At a Court of General Sessions, convened on \_\_\_\_\_ the Grand Jurors of Greenville  
County present upon their oath:

That GREGORY ALLAN IVERY did in Greenville County, on or about the 30th day of June 2011, distribute,  
dispense, deliver, or aid, abet, or conspire to distribute, dispense or deliver to an undercover operative a quantity  
of Cocaine Base (Crack Cocaine), a controlled substance, such distribution not having been authorized by law.  
This is in violation of §44-53-375 of the South Carolina 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.

*W. Thomas*  
\_\_\_\_\_  
SOLICITOR  
*Exhibits  
10*

STATE OF SOUTH CAROLINA

10-30

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville  
STATE VS.

Gregory Allan Ivery

AKA:

Race: BLACK Sex: M Age: 58

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: DRUGS/ MFG/DIST/METH OR COCAINE BASE 3RD OFFENSE

INDICTMENT/CASE#: 2011GS2309811

A/W#: M802283

Date of Offense: 6/25/2011

S.C. Code § : 44-53-0375

CDR Code #: 3014

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3039

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

Price, Lauren Davis

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 23 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment

of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: today

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms:

Set by SCDPPPS

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$2500
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Paul B.W. Chensim

Court Reporter: H. Hull

Presiding Judge

2157

Judge Code:

Sentence Date: 10-11-2012

SCCA/217 (03/2011)

Exhibits 11-

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
Gregory Allan Ivery

INDICTMENT/CASE#: 2011GS2309810
A/W#: M802284
Date of Offense: 6/25/2011
S.C. Code § : 44-53-0445(B)(2)
CDR Code #: 0108

AKA:
Race: BLACK Sex: M Age: 58
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:
\*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Drugs / Distribute, sell, purchase, manuf. crack cocaine, or pwid, near school

-in violation of § - 44-53-0445(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0108
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Price, Lauren Davis SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment
of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: today
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with columns for Recipient, \*Fine, and various assessment codes (e.g., § 14-1-206, § 14-1-211(A)(1), etc.) with corresponding dollar amounts.

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Wickens
Court Reporter: Hiskell
SCCA/217 (03/2011)

Presiding Judge Judge Code: 2157
Sentence Date: 10-11-2012

Exhibits 12-

Argument Six continued:

deficient, when it would have resulted in reversal or ordered new trial, & deem it as prejudicial); And;

"Conclusion":

Court should grant Probe's Brief & order his Counsel T.O. Gilliam, to Brief & argue it, & order bar to any attempt to reindict are retrial by double bar, are remand for lower court to dismiss charges & indictments with prejudice, & grant any relief court sees needed to grant Emergency Appeal proceedings, Probe has shown good cause to grant relief & prays court does so!

Respectfully Submitted;

Dated: Nov. 14, 2017,

x Gregory Ivery

Gregory Alan Ivery, #131131.

IN THE SOUTH CAROLINA COURT OF APPEALS.

Gregory Allan Ivery, Prose	CA No: 2016-001723
Petitioner,	Supplemental amended to Appeal
-vs-	Certificate of Services of
The state - A. M. Wilson	Prose's memorandum Brief served.
Respondent:	

Dr. Prose certifies he served defendants A. M. Wilson, Abaco at Po. Box 11549, Calab, So. Car 29211 & T. D. Gilliam - Appellate Defendant at P.O. Box 11589, Calab, So. Car. 29211-, & Clark J. A. Kitchings at Sen. Cas. Cts of Appeals, P.O. Box 11629, Calab, So. Car 29211, one copy of Prose's memorandum Brief of 20 pages on (Nov 15, 17) by ms. merchant mail dir by Inter Agency mail, Plum Petty, Cert Inst/ALU-195A/430 Ocklawm Rd/Pelzer, So. Car 29668, sworn to under penalty of perjury as true by (US USC-1621/1622/1623).

Respect Fully Submitted;

Dated, Nov. 14, 2017,

Gregory Chery, 131131

**RECEIVED**

AUG 15 2019

SC Court of Appeals

Dear Clerk Kitchings, A. Wilson, T. Gilliam,

Nov. 14, 2017

Case No. 2016-20723, Greenville,

Please file my Petitioner's memorandum Brief, of 20 pages &  
acknowledge gotten, thanks.

Respectfully:

Gregory J. Juby

131131

**RECEIVED**

AUG 15 2019

SC Court of Appeals

Cover Letter

Gregory Allen Ivory #131131  
Petty Cash Inst.  
Adm 1-185  
130 Oaklawn Road  
Pelzer, South Carolina,  
29669-9363

INTER AGENCY MAIL Bag

**RECEIVED**  
AUG 15 2019  
SC Court of Appeals

JENNIFER A. KITCHINGS - CLERK  
SOUTH CAROLINA COURT OF APPEALS  
P.O. Box 11629  
Columbia, South Carolina  
29211

**RECEIVED**  
AUG 13 2018  
P.C.I. MAILROOM

**LEGAL MAIL ONLY**