

The State of South Carolina  
Respondent.

In the Court of Appeals.

v.

Appellate Case No. 2019-00186  
9.

Anthony C. Davis #373518  
Appellant.

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MAY 22 2020

SC Court of Appeals

Lack of Subject Matter  
Jurisdiction.

Appellant, Anthony C. Davis #373518, moves this pursuant to lack of subject matter jurisdiction. You will please take notice that the appellant hereby moves under State v. McClure, 277 S.C. 432, 289 S.E. 2d 158 (1982), State v. Flintroy, 178 S.C. 89, 182 S.E. 311 (1935), and all other cases with the same or a similar holding.

Appellant contends the grand jury and circuit court lacked jurisdiction, for appellant made timely demands for preliminary hearing and was not afforded the opportunity to do so. Appellant complied with SC Statute § 17-23-160, by filling out form of request, and returning it to bond hearing Magistrate on July 16, 2016, appellant has also complied with S.C. Statute § 22-5320,

Appellant contests that he did not waive his right to preliminary and made timely request by SC. Statute 22-5-320, that said applicable Statute herein, an accused who desires a preliminary hearing must make a written demand for such, at least (10) ten days before the convening of the Court of General Sessions, and failure to comply with these conditions waived the right to the Preliminary hearing.

Appellant contests he did not waive the right to hearing, for the non-occurrence of (1) failure to request a hearing (2) failure to comply with statutory requirements for the request (3) failure to appear at the scheduled hearing (4) plea negotiations and silence before the trial court regarding the desire for a preliminary hearing when entering a guilty plea.

Appellant went to trial on charges, and was convicted, and sentenced, and the Court of general sessions was deprived of jurisdiction until such timely demanded hearing is held, Blandshaw v. State, 245 S.C. 385.

Appellant wishes this honorable Court upon its own motion Sua Sponte, raises the subject matter jurisdiction, Appellant wishes his sentence be vacated for Appellant was tried and convicted upon an indictment which was a nullity, and Appellant was convicted in violation of Article I, Section 17 of the Constitution, as amended, Now Article I Section 11, Appellant's assigned Pro Bono, Deborah J. Butcher, also filed a motion with discovery motions requesting for preliminary hearing filed Dec. 30th, 2016. in the Kershaw County, clerk of Court.

Respectfully Submitted  
Appellant, Anthony C. Davis #373518  
W.R.C.I, WA-bed 3A  
P.O. Box 189  
Rembert S.C. 29128

May 19, 2020.

State of South Carolina.  
Respondent.

In the Court of Appeals  
Appellate Case No. 2019-001869.

vs.

Anthony C. Davis #373518,  
Appellant.

Certificate of Service

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SC Court of Appeals

I, Appellant, Anthony C. Davis #373518, certify that I have on this day of May 19, 2020, effected service of the below listed document upon, South Carolina Court of Appeals, and Attorney General by US Mail, addressed to: South Carolina Court of Appeals, Jenny Abbott Kitchings, Clerk, Post Office Box 11629, Columbia, South Carolina, 29211, and Office of the Attorney General, The State of South Carolina, Post office Box 11549, Columbia, South Carolina, 29211.

1. Appellants Motion for lack subject matter jurisdiction.

By: Appellant Anthony C. Davis #373518  
W.R.C.I, W2- Bed 3A  
P.O. Box 189  
Rembert S.C. 29128

May 19, 2020.

Anthony C. Davis #373578

W. R. C. I - W2 - B3A

P.O. Box 159

Kimbert S.C. 29128

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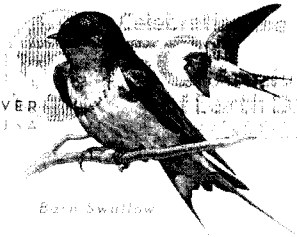
MAY 22 2020

SC Court of Appeals

S.C. Court of Appeals  
Jenny Abbott Kitchinos, Clerk  
P.O. Box 11629  
Columbia, SC 29211

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