

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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MAY 28 2020

**SC Court of Appeals**

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APPEAL FROM ORANGEBURG COUNTY  
Court of General Sessions

Honorable Edgar W. Dickson, Circuit Court Judge

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Appellate Case No. 2007-000557  
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THE STATE .....Respondent

v.

WILLIE YOUNG.....Appellant

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SUPPLEMENTAL BRIEF  
OF THE APPELLANT  
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WILLIE YOUNG III  
4848 Gold Mine Hwy  
Kershaw, S.C. 29066  
Appellant/Pro Se Litigant

Other Counsel of Record

Joshua A Edwards  
S.C. Attorney General's Office  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-2508  
Attorney for Respondent

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SC Court of Appeals



**South Carolina Court Administration**  
South Carolina Supreme Court  
Columbia, South Carolina

ROSALYN W. FRIERSON  
DIRECTOR

1220 SENATE STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE (803) 734-1800  
FAX (803) 734-1300  
E-MAIL: rfrierson@scscourt.gov

December 19, 2016

Willie Young, #285487  
A.C.L. F4-A-52  
Post Office Box 1151  
Fairfax, South Carolina 29827

Re: Your correspondence received December 13, 2016

Dear Mr. Young:

In response to your recent correspondence concerning the convening of the grand juries and petitions for "special" sessions of court, please be advised that with the adoption of the amendments to Article V of the South Carolina Constitution in 1973, the Chief Justice now sets all terms of court, and the statutory terms in Title 14 are not binding on the Chief Justice. Article V, §4 of the South Carolina Constitution provides that "The Chief Justice shall set the terms of any court and shall have the power to assign any judge to sit in any court within the unified judicial system." Under the current provisions of the Constitution, the terms of the circuit court are set by the Chief Justice and the terms of the county courts are set by the circuit court. At this time, there are no petitions for special terms.

Additionally, you expressed concern regarding the validity of your attorney's advice. Please be advised that this office does not provide legal advice relating to the validity of your attorney's advice.

Sincerely,

Staff Attorney Section

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## STATEMENT OF THE ISSUES IN SUPPLEMENTAL APPELLATE BRIEF

### ARGUMENT IN REPLY

Contrary to the State's argument, the S.C. Court Administration "did not" schedule the unauthorized term of court in which Young's indictment was true billed.

Respectfully, it should be noted by this court that the lower court's ruling reflected questions (**as expressed in the Final Brief of Appellant**) as to if contact had been made with the S.C. Court Administration about the scheduling of the term/time Young's indictment was returned. (**Final Brief of Appellant, pages 7-8**). There is no question, however, that the lower court's denial of Young's Rule 29(b) motion was based on the interpretation of the unified judicial system, in which great detail was given. (**Final Brief of Appellant, pages 9-10**). That ruling, however, was and still is confusing due to the fact that no evidence was presented by Mr. Young or the State in regards to this issue during the hearing held on October 24, 2016. What the record does reveal is the State (**as stated in the final brief of appellant, page 7**) admitted to the issue presented by Young, "that the indictment had been returned outside of the general sessions court term". (**Final Brief of Appellant, pages 7 and 10**). The lower court's ruling acknowledged that the State's code of law(s) statute did not authorize the Orangeburg General Sessions terms that Young was indicted in. However, the Respondent attempts to mislead this court that the lower court's ruling "only" addressed the time of Young's trial. (**Final Brief of Appellant, pages 8; Final Brief of Respondent, page 10**).

As stated in the record of appeal, the lower court's ruling expressed that the S.C. Court Administration "specifically scheduled general sessions terms of court during these weeks",

suggesting that it took judicial notice in this matter, though, as the record shows, the method of “convening” its grand jury outside of the general sessions court term was a direct violation of *S.C. Code 14.9.210*. As this court and the respondent are well aware, this statute requires presentation of the bill while the general sessions court is in attendance by a fully impaneled jury. This was the issue raised by Young and, again, admittedly violated by the State. **(Final Brief of Appellant, pages 11-12)**. Young asserted in his “Final Reply Brief “ that the lower court failed to abide by SCRE Rule 201(e), and by not providing him with proper notice, Young was unable to present evidence in this regard. **(Final Brief of Appellant, pages 8-9)**.

Leveraging the Rule 29(b) hearing transcripts for context, the respondent’s claim that Young offered no proof that the court administration “did not” schedule court for the day/date his indictment was “true billed” is an attempt to mislead this court to believe that the lower court actually looked up the 2002 term of court and discovered that Orangeburg General Sessions Court and/or jurisdiction was in session at the time of the indictment being returned.

Young bears the burden of proving that the grand jury was not properly impaneled and has not been heard in this regard per se until now as a “pro se” litigant. As such, he strongly provides this court with evidence in this supplemental brief in rebuttal and to support his claims.

Young, in December of 2016 (prior to the lower court’s order), inquired to the S.C. Court Administration as to if it had scheduled a “special” term of court since the date of the grand jury’s “true billed indictment, as noted by the order of the lower court was “not provided” for. **(Exhibit A)**. As the court may observe, the court administration was adamant that “the Chief Justice ‘only’ sets all terms of circuit court”! The lower court’s decision was based on the

adoption of the amendments made to Article V. of the South Carolina Constitution V, Section 4 in 1973.

This evidence presented by Young “strongly and/or out rightly” contradicts the Respondent’s attempt to once again mislead this court by suggesting that the chief justice had designated the S.C. Court Administration to schedule the “required” general sessions term to return this/a true bill indictment. Though, it is observed by S.C. Constitution Article V, Section 3 that within the Unified Judicial System, the authority of the chief justice to designate is absolute, the court can see that this was not the measure taken in this matter. Had this been the case, this court would be able to clearly note an approved general sessions term of court scheduled for January 28, 2002. **(Exhibit B).**

Again, attention must be given to the lower court’s ruling, which clearly expresses Young was indicted at a time not provided, which for clarification, was a date no grand jury was impaneled!

The respondent claims that the lower court taking judicial notice led to its discovery that the court administration had scheduled the terms of court, which this court now knows to be an exaggeration of the truth. This specific evidence does not support the lower court’s ruling and denial of Young’s Rule 29(b) motion.

Lastly, the respondent claims that the court journals were the facts that supported this ruling, and Young asks humbly of this court that justice no longer be a spectacle and, instead, be based on facts. Attached in Young’s pro se supplemental brief for this court’s observation is a judicial calendar which details the court proceedings for the month of January 2002, as well as the court proceedings and presiding judges. On the 28<sup>th</sup> of January of 2002, the judicial calendar

for the first circuit shows no general sessions court in attendance for Orangeburg County.

**(Exhibit B)** It is a well-known fact that, if there was an approved general sessions term of court for Orangeburg or any other county, such would be reflected on the State's public judicial calendar. And it is not!

### CONCLUSION

Evidence has been presented to support a reversal of all proceedings attached to this conviction. As such, Young respectfully requests for his immediate release by this court.

Thank you sincerely,

BC Willie Young

Date: 5/12/2020

Willie Young, #285487

4848 Gold Mine Hwy

Kershaw, SC 29067

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THE STATE .....Respondent

V.

WILLIE YOUNG.....Appellant

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CERTIFICATE OF SERVICE  
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The undersigned pro se litigant certifies that a true copy of the enclosed supplemental brief of appellant in the above referenced case has been served upon Joshua A Edwards, P.O. Box 11549, Columbia, S.C. 29211.

\_\_\_\_\_  
*Willie Young*  
Willie Young III  
4848 Gold Mine Hwy  
Kershaw, S.C. 29067

EXHIBIT B

January 2002

Holidays:

Tue Jan 01 - New Year's Day

Mon Jan 21 - Martin Luther King Day

Circuit Number	1/7/2002	1/14/2002	1/21/2002	1/28/2002
1	Common Pleas Dorchester Goodstein Diane <u>KEIL</u>	Common Pleas Calhoun Goodstein Diane <u>KEIL</u>	General Sessions Dorchester Goodstein Diane <u>KEIL</u>	General Sessions Dorchester Goodstein Diane <u>KEIL</u>
	Administrative Week Williams James <u>WALKER</u>	General Sessions Orangeburg Williams James <u>WALKER</u>	General Sessions Orangeburg Williams James <u>WALKER</u>	Common Pleas Orangeburg Manning L <u>ADDISON</u>
	Family Court Dorchester McLin Nancy C <u>MURDAUGH</u>	Family Court Dorchester Smoak Gerald C <u>EYE</u>	Family Court Dorchester McLin Nancy C <u>MURDAUGH</u> 21-22 <u>BRITT</u> 23 <u>MURDAUGH</u> 24 am	Family Court Dorchester Smoak Gerald C <u>EYE</u>
	Family Court Orangeburg Wyle William J <u>ADDISON</u> 7 <u>SARVIN</u> 8-9, 10, 11	Family Court Orangeburg McLin Nancy C <u>MURDAUGH</u>	Family Court Dorchester Wyle William J <u>SARVIN</u>	Family Court Calhoun - Dorchester Wyle William J <u>SARVIN</u>
	Family Court Orangeburg Jones Anne Gue <u>BROWN</u> 7-8-9 <u>BRITT</u> 10	Family Court Orangeburg Jones Anne Gue <u>BROWN</u>	Family Court Orangeburg Jones Anne Gue <u>BROWN</u>	Family Court Orangeburg Jones Anne Gue <u>BROWN</u>