

PETITIONERS COPY

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

NOTICE AND MOTION TO REINSTATE APPEAL

JUSTICE GEORGE C. JAMES, JUDGE CLIFTON NEWMAN

2016-002089; 2018-001616

JUNE 16TH 2020

SHANOH, A. MATJUDADA Prose #199398

RECEIVED

VS.

JUN 24 2020

THE STATE

S.C. SUPREME COURT

2016-002089; 2018-001616

"NOTICE AND MOTION TO REINSTATE APPEAL"

APPELLANT MAKES SUPREME COURT TO GRANT NOTICE AND MOTION TO REINSTATE APPEAL IN WHICH APPELLANT WILL EXERCISE THIS EXCLUSIVE REMEDY TO CHALLENGE THE VALIDITY OF ILLEGAL INCARCERATION / KIDNAPPING [IN REHINGENT, 401 P.2D 1033 3d Cir. 2017] (2011 WL 18 38 893 18 2011)

THE BELOW GROUNDS / ISSUES WITH ATTACHED MERITAL DOCUMENTATION OF OUR COUNTRY'S US COURT STATUTES, RULES OF COURTS AS WELL AS U.S. CASE LAWS VIOLATION WE HEREBY CHALLENGE THE [ATTORNEY GENERAL ABUWILSON] TO GRANT A PROMPT HEARING, THEREON, DETERMINE THE ISSUES & MAKING FINDINGS OF FACT & CONCLUSION OF LAW WITH RESPECT THERE TO FIND THIS FRAUDULENT SENTENCE JUDGEMENT IMPOSED 50 YRS. WAS NOT AUTHORIZED BY LAW. DENIAL OR INFRINGMENT OF CONSTITUTIONAL RIGHTS OF ADA APPELLANT IN WHICH SO HUMBLY MAKES S.C. SUPREME COURT TO GRANT MOTION TO REINSTATE APPEAL AND SET THE JUDGMENT

ASIDE AND DISCHARGE THE APPELLANT AND

LEGAL MAIL

II.

GRANT UPON FINDING OF NOT GUILTY A CERTIFICATE OF INNOCENCE
VIA SEC. 2513 OF TITLE 28 U.S. CODE AS REQUIRED VIA § 1493.

COGNIZABLE CONSTITUTIONAL CLAIMS

A. FAILURE TO APPOINT COUNSEL 6TH AMEND. U.S. CON. VIOLATION

B. PERJURY TESTIMONY

C. WRONG JURY CHARGE

D. PROSECUTOR MISCONDUCT

PROPOSED ORDERS, E

1. SUBPOENA VIA TITLE 18 § 3111 RELEASE OR DETENTION OF MATERIAL
WITNESSES AND RULE 46(B) BELOW A TESTIMONIAL

A. WILLIAM JAMES CHANDLER 3/28/2001 EXH. 1, DESCRIPTION SHOOTER
GOLD TEETH, BRANDS

B. JIMMY ANTHONY YORK, 10/30/2001, EXH. 2, ATTEST HIS COUSIN TONY YORK
AFTER CRIME BLOODY T. SHIRT. HE IS BROTHER OF VICTIM

C. DON BURGESS file #2NS-CO-23155, 3/18/2002, EXH. 3, ATTEST
SISTER KEISHA BURGESS SAW TONY YORK AFTER CRIME BLOODY T. SHIRT AND
LATS DRUGS

D. CARLOS YORK file 2NS-I-CO-23155 11/24/03, EXH. 4, ATTEST

ORIGINAL TO BE FILED IN THE COURT OF COMMON PLEAS, PHILADELPHIA, PENNSYLVANIA. **LEGAL MAIL**

EXHA, Page 3, #10

ATTACHMENT A, FAILURE TO APPOINT COUNSEL (6TH AMEND. VIOLATION)

H.

FAILURE TO APPOINT COUNSEL (6TH AMEND. VIOLATION)

STRICKLAND V. WASHINGTON 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)

"(FAILURE TO PROVIDE ASSIST. OF COUNSEL OR PROVIDING ASSIST. OF COUNSEL THAT FALLS BELOW THE STRICKLAND STANDARD WOULD CONSTITUTE CAUSE FOR EXCUSING PROCEDURAL DEFAULT)"

JUDGE CHLOE NEWMAN ON JAN. 21, 2014, MOTION HEARING TO REPRESENT SELF DID REFUSE TO APPOINT COUNSEL FOR PETITIONER VIOLATING 6TH AMEND.

PETITIONER DID SHOW ERROR OF COUNSEL'S NOT DISPLAYING UNDIVIDED LOYALTY TO PETITIONER BY REFUSING TO SUBMIT SEVERAL PRETRIAL MOTIONS:

AL AMANDA SULLER PUBLIC DEFENDER, TRANSC. PAGE 14, L. 18-21 VIOLATED 6TH 14TH AMEND. BY NOT DOING PRETRIAL MOTION TO DISMISS UNDER SPEEDY TRIAL ACT § 316(a)

KNOWING PETITIONER MUST PRESENT MOTION OR FORFEIT RIGHTS. SEE U.S. CASE

P. U.S. V. SALTZMAN (10TH CIR. 1997) "(CAN'T UNILATERALLY WAIVE ~~OR~~ SPEEDY TRIAL RIGHTS FORFEIT THEM ONLY IF FAILED TO ADMINISTER MOTION TO DISMISS BEFORE TRIAL UNDER

SEC. 18 U.S.C. § 3162(a)(2))" AMANDA SULLER ALSO REFUSED TO DO MOTION TO LET BENCH WARRANT

OUR COURTS HAVE ESTABLISHED CASELAW TO PROTECT PRISONERS RIGHTS WITH COUNSEL (6TH AMEND. TO HAVE EFFECTIVE ASSISTANCE WITH UNDIVIDED LOYALTY.

STRICKLAND V. WASHINGTON 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)

"(FAILURE TO PROVIDE ASSIST. OF COUNSEL OR PROVIDING ASSIST. OF COUNSEL THAT FALLS BELOW THE STRICKLAND STANDARD WOULD CONSTITUTE CAUSE FOR EXCUSING PROCEDURAL DEFAULT)";

U.S. V. PLATNER, 330 F.2d 211 (2d CIR. 1964) "(2ND CIR. CITED 6TH AMEND. RIGHT

TO ASST. COUNSEL WAS NOT INTENDED TO IMPAIR A DEFENDANT'S ABSOLUTE RIGHT TO CONDUCT HIS OWN DEFENSE, BUT WAS INSTEAD DESIGNED TO SUPPLEMENT THE OTHER RIGHTS OF A

ATTACHMENT B. FAILURE TO APPOINT COUNSEL 6th AMEND. VIOLATION,
(14)

SEE JUDICIARY ACT OF 1789 28 U.S.C. § 1654 (2000) ("IN ALL COURTS OF THE U.S. THE PARTIES MAY PLEAD & CONDUCT THEIR OWN CASES PERSONALLY OR BY COUNSEL AS, BY THE RULES OF SUCH COURTS, RESPECTIVELY, PERMITTED TO MANAGE & CONDUCT CAUSES THEREIN") FED. R. C.P. 44(a);

LOCKHART V. TERMININE, 250 F.3d 1223 (9th CIR. 2001) ("DEFENDANT'S RIGHT TO COUNSEL INCLUDES THE RIGHT TO BE REPRESENTED BY AN ATTORNEY WITH UNDIVIDED LOYALTY");

STATE V. BRILANT 383 S.C. 410, 414, 609 S.E.2d 1113 (CT. App. 2004) ("ERRONEOUS DEPRIVATION OF COUNSEL CONSTITUTES PER SE REVERSIBLE ERROR");

JUDGE CHETAN NEWMAN KNEW OF PETITIONER'S COMPLAINT ON AMANDA SILVER YET STILL REFUSED TO APPOINT NEW COUNSEL. IR.

AS CASE LAWS PROTECT PETITIONER AGAINST SUCH VIOLATIONS.

U.S. V. SIMONOV 252 F.3d 295 (2nd CIR. 2001) ("WHERE A DEFENDANT VOICES A SEEMINGLY SUBSTANTIAL COMPLAINT ABOUT COUNSEL, THE COURT SHOULD INQUIRE INTO THE REASONS FOR DISAFFECTATION"); [pg. 14 L. 3 ("SHE HASNT DONE ONE MOTION. ASK HER WHY.");

MARTINEZ V. RYAN 132 S.Ct. 1809 (2012) (CERTIORARI, WAS GRANTED SUPREME COURT JUSTICE KENNEDY REVERSED AND REMANDED. STATE APPOINTED A TURN OF ERRORS DURING AN AN DIRECT APPEAL IS INEFFECTIVE & STATE PRISONER HAS BEEN DENIED FAIR PROCESS... AND THE OPPORTUNITY TO COMPLY WITH THE STATES PROCEDURE AND OBTAIN AN ADJUDICATION ON THE MERITS OF HIS CHARGE); [Howe v. Michigan 545 U.S. 605, 617, 125 S.Ct. 2589, 168 L.F. 2d 552];

B. DeBe, Butcher Pro. Bar, trans. page.

violated 6th & 14th AMEND. of PETITIONER & NOT DO PRETRIAL MOTIONS TO LIFT BENCH WARRANT, MOTIONS TO DISMISS ON SPEEDY TRIAL ACTS 316d(a)(2) KNOWING PETITIONER MUST PRESENT

11/11/14

Attachment C, FAILURE TO APPOINT COUNSEL 6TH AMEND VIOLATION

(1-4)

NOTICE OR FORFEIT RIGHTS. OUR COURTS HAVE ESTABLISHED CODE LAWS TO PROTECT PRISONERS

RIGHTS WITH COUNSEL 6TH AMEND. TO HAVE EFFECTIVE ASSISTANCE WITH INDIVIDUAL

CONTACT.

U.S.V. PLATTNER, 330 F.2d 871 (2d CIR. 1964) SUPRA; JUDICIAL ACT OF 1789 28 U.S.C

§ 654 (2000) FED. R.C.P 44(a) SUPRA;

LOCKHART V. TERLINE, 250 F.2d 1293 (9TH CIR. 2017) SUPRA; STATE V. BRYANT 383 S.C. 410,

414, 680 S.C. 2d 11, 13 (CT. APP. 2007) SUPRA;

STATE V. BRYANT 383 S.C. 410, 414, 680 S.C. 2d 11, 13 (CT. APP. 2007) SUPRA;

JUDGE CLIFTON NEWMAN KNEW OF PETITIONER'S COMPLAINT ON Debra Butcher Pro. Bar

1. (1) COERCE PETITIONER TO REPRESENT SELF 1R. PGE. 15 L. 20-24;

(2) AND PETITIONER NOT ALLOW TO HAVE PICK AND CHOICE OF LAWYERS IN S.C THAT'S VIOLATES
PETITIONER'S DEFENSE 1R. PGE. 16 L. 1-5;

(3) INFORMED OF PETITIONER'S MENTAL ILLNESS AND STILL REFUSED TO APPOINT COUNSEL
1R. PGE. 17 L. 13-24, P. 31 L. 17-24; PGE. 42 L. 5-13

(4) REFUSED TO EXPLAIN HEARSAY RULES TO PETITIONER EVEN AFTER PETITIONER INFORMED
HIM HAD NO KNOWLEDGE. PGE. 36 L. 5-6; L. 8-9

(5) STILL REFUSED EVEN AFTER PETITIONER ASK COURT PERMISSION TO SPEAK WITH ATTORNEY
TO DO PRETRIAL MOTION TO DISMISS ON S.T.A PGE. 41 L. 5-6; L. 8-9

(6) FOUND PETITIONER COMPETENT TO REPRESENT SELF AND REFUSED TO APPOINT COUNSEL
BUT APPOINT Debra Butcher TO BE STAND BY COUNSEL EVEN THOUGH PETITIONER
DID GRIEVANCE ON HER AND SHE ASKED TO BE RELIEVED FROM CASE. PGE. 42 L. 5-13
L. 14-18

U.S CASE LAWS PROTECT PETITIONER FROM VIOLATIONS AND GRANT NEW TRIALS.

U.S.V. SIMONOV 252 F.3d 288 (2ND CIR. 2001) SUPRA;

CRUISE

Attachment D, FAILURE TO APPOINT COUNSEL & 6th Amend. Violation (H.)

U.S. CASE(S) LAWS BELOW VALIDATE, JUDGE C. NEWMAN, ISSUED IN NOT APPOINTING PETITIONER COUNSEL VIOLATION OF 6th AMEND. AFTER PETITIONER PRODUCED MENTAL HEALTH RECORDS AND EXHIBIT NO KNOWLEDGE OF TRIAL DISCOVERY, WITNESSES AND EXHIBIT WARRANT REVERSAL AND REMAND DUE TO ERROR.

1. INDIANA, PETITIONER VS. AMENDED IND. NO. 27-208 ARGUED MARCH 26, 2019 Decided, June 19, 2019, (The Supreme Court, Justice BREYER, HELD THAT U.S. CONST. PERMITS STATES TO INSURE SELF REPRESENTATION BY COUNSEL ENOUGH TO STAND TRIAL BUT WHO STILL SUFFER FROM SEVERE MENTAL ILLNESS TO THE POINT WHERE THEY ARE NOT COMPETENT TO CONDUCT TRIAL PROCEEDINGS BY THEMSELVES, VIOLATED & REMANDED);

2. 570 S.E.2d 154 Charles Gardner, PETITIONER VS. STATE OF SC SUBMITTED, FEB. 21, 2002 Decided, SEP. 9, 2002, (The Supreme Court, SC, HELD THAT EVIDENCE WAS INSUFFICIENT TO REPRESENT HIM KNOWINGLY & INTELLIGENTLY WAIVED HIS RIGHT TO COUNSEL WHEN HE PLEAD GUILTY REVERSED & REMANDED);

3. TOM RAY BRIDWELL, PETITIONER, U.S. SUPREME COURT, NO. 95-477 SUBMITTED DEC. 6, 1991 Decided Jan. 6, 1992 (The Supreme Court, U.S. GINSBURG, P.J., HELD THAT DEFENDANT'S WAIVER OF THE RIGHT TO COUNSEL AT TRIAL WAS NOT KNOWINGLY & VOLUNTARILY REVERSED & REMANDED);

CHAPMAN

ATTACHMENT F "PERJURY TESTIMONY"

THE STATE LED BY VINDICTIVE, MALICIOUS ASST. SOL. KING BARRY V. BARR, DID PLACE ON STAND PERJURY TESTIMONY, THAT MANIPULATED THE JURY'S DECISION.

OUR SUPREME COURT HAS GRANTED NEW TRIAL DUE TO PERJURY TESTIMONY.

U.S.V. V. VAZIRKH 164 F.3d 556 10th CIR. 1999 "A NEW TRIAL IS REQUIRED IF TESTIMONY (COULD) IN ANY REASONABLE LIKELIHOOD HAVE AFFECTED THE JUDGMENT OF THE JURY"

BELOW ARE 11 (ELEVEN) OF THE INCONSISTENT TESTIMONY OF STATE'S STAR WITNESS LONNIE DOZIER IN WHICH WARRANTS A NEW TRIAL PAGE 152-217 EX. A

1. Trial Transc. pge 186 L. 7-9 SAID STEVE (RIP) GAVE COREY THE GUN.

2. pge. 186 L. 10-11 SILENT

3. pge 186 L. 15-18 I READ HIS AUG. 7-2003 FEDERAL STATEMENT AGAIN W/OUT FRAMING SAYING DURANT (RIP) GAVE MURKIN GUN L. 23-25 NO HE DIDNT SAY THAT

4. pge. 194 L. 15-22 SAID NO PROMISE OF DEAL

5. pge. 204 L. 2-4 PERJURY MURKIN GAVE STEVE (RIP) GUN AFTER SHOOTING BUT ON TRANSC. FED. FRAMING HE SAID COREY GAVE STEVE (RIP) GUN AFTER SHOOTING

6. pge 214 L. 14 RECEIVED NOTHING (BUT GOT IMMUNITY)

7. pge. 216 L. 16 I DIDNT RECEIVE NOTHING (BUT GOT IMMUNITY)

8. pge. 211 L. 1 I DIDNT GET NOTHING (BUT GOT IMMUNITY)

9. pge. 211 L. 21 NOTHING (BUT GOT IMMUNITY)

10. pge. 214 L. 20-22 STEVE (RIP) GAVE COREY GUN BUT FED. FRAMING SAID STEVE (RIP) GAVE MURKIN THE GUN

11. pge. 217 L. 20-23 ADMITTED PLEA DEAL

U.S.V. GOODSON, 165 F.3d 616 (8th CIR. 1999) "PROSECUTION MAY NOT USE OR SOLICIT FALSE EVIDENCE, OR ALLOW IT TO GO UNCORRECTED";

CHARTER

EXN. VIII.1
[EXN. 14(B.)]

View 2 versions of HIS
1/3 Corey Liner!
Tory believed BOTH BUT
WASNT allowed 2 C. These
DOCUMENTS!
CONSPIRACY!

EXL.D.B.H., I.A.C D.B.

245I-CO-23755 267C-CO-28403

Continuation of FD-302 of Lonnie Lamont Dozier, On 8/7/2003, Page 2

Kennedy of approximately \$700 in cash. Dozier asked Kennedy for his drugs, but Kennedy stated that his drugs were at his residence, so Dozier only got the money from Kennedy.

Dozier went to Black Biker Week later that same year with Kennedy. Kennedy never realized that Dozier was the one who robbed him.

2ND

In March of 2001, Corey Liner and Arthur Mosley picked up Dozier at his residence. They then drove to the residence of Steve Durant. While at Durant's residence, Durant told Dozier, Liner, and Mosley that Tory York, Tony York, Carlos York, and Kaisha Burgess had robbed David Brockington, also known as Little D, of some crack cocaine. Durant indicated that Tory York had a lot of the crack cocaine in his possession from the robbery. They then decided to rob Tory York of the drugs, so Durant gave Mosley a black .38 caliber revolver with a rubber grip.

3RD

Dozier, Liner, and Mosley then left Durant's residence together driving in Mosley's girlfriend's car, a black Pontiac Grand Am. At the time, Liner was driving the vehicle, Mosley was in the front passenger seat of the vehicle, and Dozier was in the back seat of the vehicle. Mosley had possession of the .38 caliber revolver.

4TH

5TH

Dozier, Liner, and Mosley then drove to Tory York's residence, located on Thorne Avenue in Kingstree, South Carolina. When they arrived at Tory York's residence, Tory York was sitting on the front porch of the residence with another male, who Dozier could not identify because he was too far away. When Dozier and the others arrived at the residence, the male got up and left the residence.

Upon arrival at Tory York's residence, Liner asked Tory York if he wanted to buy a weapon, while Liner was still sitting in the vehicle. Liner mentioned to Tory York what he had heard regarding the robbery of Brockington. Tory York then came down the steps of his residence and approached the vehicle to see the gun. At that time, Mosley got out of the front passenger seat of the vehicle, while Liner and Dozier remained in the vehicle. Mosley stated, "Give me the money, everything (expletive)." At that time, Tory York backed away and stated, "Hold on, you don't need to do it like that." Mosley pulled out the .38 caliber revolver and pointed it at Tory York. Tory York pulled in his back pocket when Mosley told him to give Mosley the money. At

6TH

EXN. VIII
[EXN. 14(B)]
EXN. A4

View 2 versions of HIS
1/3 Corey Liner!
Jury believed BOTH BUT
WASNT allowed 2 C. T. T. E. X.
DOCUMENTS!
CONSPIRACY!

245I-CO-23755 267C-CO-28403

Continuation of FD-302 of Lonnie Lamont Dozier

On 8/7/2003 Page 2

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Attachment (F.) "PERJURY TESTIMONY"

HAYES V. WOODFORD 301 F.3d 1054 (9th Cir. 2002) (PROSECUTOR HAS CONSTITUTIONAL DUTY TO PRESENT EVIDENCE HE KNOWS IS FAKE)

11th CIRCUIT HAS RULED A NEW TRIAL WILL BE GRANTED IF CONVICTION BASED UPON FAKE EVIDENCE SEE [CHINE V. WALMART STORES, INC. 144 F.3d 844 (11th Cir. 1999)]

"(NEW TRIAL WILL GRANT IF VERDICT IS AGAINST CLEAR WEIGHT OF EVIDENCE" BUT IS BASED UPON EVIDENCE WHICH IS FAKE; IT WILL RESULT IN MISBRIDGE OF JUSTICE, EVEN THOUGH THERE MAY BE SUBSTANTIAL EVIDENCE WHICH WOULD PREVENT DIRECTION OF VERDICT.

PETITIONER MOVES HONORABLE COURT REVERSE ILLEGAL SENTENCE GRANT ATTACHED BOND MOTION WITH DECISION AND GRANT CERTIFICATE OF INNOCENCE.

M. Alshaid Majid
without presence (w/15/11)

Handwritten signature and date at the bottom right corner.

EXH. C. / Page 3, #10

ATTACHMENT

E.

PAGE , WRONG JURY CHARGE,

TR. pgs. 613-635 pgs 629 L. 16-25. 630 L. 1-25

Judge C. James Tr. Chief Justice [MILWAUKEE] WITH [SADISTIC] [MUDSET] ADMITTED TO SAY "THE WINDS ARE THE WINDS OF ALL" FROM DOCTRINE KIRKING THAT PETITIONERS AND ONE ANTRAL AND (IT MUST BE TOO OR MORE PEOPLE ACTING TOGETHER IN COMMITTING A CRIME, THE ACT OF ONE IS ACT OF ALL)" pgs. 629 L. 17-19

PETITIONERS ONLY ONE ANTRAL AND (IT MUST BE TOO OR MORE PEOPLE ACTING TOGETHER IN COMMITTING A CRIME, THE ACT OF ONE IS ACT OF ALL)" pgs. 629 L. 17-19
page 631 L. 7-11 632-634 L. 1-9 THIS IS 14TH NEW YORK PRESS VIOLATION IN WHICH CONSTITUTION REVERSED IT COLLUSION. SEC 1.8 CASES

1. Joseph Henry v. STATE NO. 26436 - Dec. 6 - 2017 DECIDED ON FEB. 11, 2009 316 S.C. 199, 659

SEEDING - REVERSED (AFTER GRANTING CERTIORARI TO REVIEW THE RELATED APPEAL, THE [Supreme Court took Chief Justice] Held that trial court's failure to object to trash courts supplemental jury instructions on malice raises which impermissibly shifted the burden of proof for malice from the state to Defendant constituted 1.0.c. ineffective assistance of counsel);

2. People v. Hess 244 Mich. App. 33, 543 N.W.2d 332 (1995) (where both correct) incorrect charge Given Appellate Courts NOT assume the jury followed the incorrect charge);

with a signature and arrow pointing right

Attachment

E.

page

"Wrong Jury Charge"

3. U.S. v. VARNER 745 F.2d 985 (1984) ("holding that where jury instructions are wrong and verdict is incorrect statement of law, error is incorrect statement of law. Error is clearly a prejudicial abuse constituted reversal since jury might have followed wrong charge");

4. 306 S.C. 499, 657 S.E.2d 268 (SOUTH CAROLINA SUPREME COURT'S WRONG JURY INSTRUCTION);

5. SANDSTROM v. MONTANA 449 U.S. 511, 64 S.Ct. 242, 37 L.Ed.2d 39 (1979) ("this principle prohibits the use of evidence that tends to prove a jury charge that have the effect of relieving the state of its burden to prove a reasonable doubt as to every essential element of the crime");

6. IN RE WINSHIP, 397 U.S. 358, 90 S.Ct. 456, 25 L.Ed.2d 368 (1970) ("petitioner's claim arises out of the due process clause of 5th & 14th Amend., which protect an accused against conviction unless the state or state that follows a reasonable doubt of each element essential to constitute the crime with which the accused is charged");

MILGAM

ATTACHMENTS

71 U.S.V. JERRY WAYNE SHEPARD APPELLANT NO. 03-6601 OCT 22-2004
FEB. 4. 2005 VACATED & REMANDED (EVIDENTIARY HEARING ENTITLED RIGHT
TO COUNSEL BECAUSE COUNSEL OPERATING UNDER CONFLICT OF INTEREST)
PETITIONER HAD DID SERVICE IN JUDGE BUTNER'S SO BY JUDGE NEWMAN
APPOINTING HER AS STANDBY COUNSEL WAS CONFLICT OF INTEREST.

WHEREFORE PETITIONER ASKS TO VACATE & REVERSE, REMAND FOR
NEW TRIAL, GRANT BOND WITH PENDING, REPEAL ACTION AND GRANT CERTIFICATE OF SERVICE

/s/ Shahid Najid

JEXL.D.

I. ATTACHMENT

PROSECUTOR MISCONDUCT

ASSIST. S.G. Kimberly V. Barr, BARBARICALLY DISPLAYED WITH SADISTICALLY
"OUTRAGEOUS PROSECUTOR MISCONDUCT" IN HER VINDICTIVE, MALICIOUS
PROSECUTION OF PETITIONER; THUS SADISTICALLY IN DRACONIAN MANNER
VIOLATING ADA-PETITIONER WHOM IS PROTECTED BY "REDEFINED CONGRESS
ADA AMEND. ACT OF 2008 EFFECTIVE, JAN. 1. 2009; 42 U.S.C § 12102(A)(1)"

5TH AMEND. ACCESS TO COURTS, 6TH AMEND. COMPULSORY PROCESS, 8TH AMEND.
CONSPIRACY; ILLEGAL DETAINMENT; KIDNAPPING; 14TH AMEND. DUE PROCESS &
EQUAL PROTECTION; § 1519 FALSIFIED DOCUMENTATION; S.C. RULES OF PROFESSIONAL
CONDUCT 8.4(G); 48 U.S.C § 12102 (4)(A) ETC. BY PREJUDICALLY
ADMINISTERING BELOW MERITAL ISSUES.

1. (FRAUDULENT / FALSIFIED DOCUMENT(S) § 1519 :

A) FRAUDULENT INDICTMENT: SEE ATTACHMENT (D) INVALID INDICTMENT
Kimberly V. Barr, PRESENTMENT OF FRAUDULENT INDICTMENT UPON THE COURT & JURY
CREATED A MATERIAL FALSE IMPRESSION OF FACTS, WHICH AFFECTED JUDGMENT OF JURY
SEE U.S. CASE / MOONEY V. HOLOMAN 294 U.S. 103 (1935); TWANEE V. ILLINOIS 389 U.S. 906
1968) "IT IS BY NO MEANS CLEAR THAT PETITIONER MUST SHOW THAT THE PROSECUTORS
KNOWING ACCQESCENCE IN A MATERIAL FALSEHOOD PREJUDICED HIM. THERE IS NO PLACE
IN OUR SYSTEM OF CRIMINAL JUSTICE FOR PROSECUTORIAL MISCONDUCT." GILES V. STATE
OF MARYLAND 386 U.S. 66 (1967) (ORIN & BRENNAN);
U.S. V. FERRY 752 F.3d 166, 196 (4TH CIR. 2014) "(DISTRICT COURT LEGAL CONCLUSION
WITH RESPECT TO A MOTION TO DISMISS INDICTMENT DENOVOS FACTUAL FINDING".
FERRER 500 21"

11/14

II ATTACHMENT

PROSECUTOR MISCONDUCT

2. DENIED MATERIAL WITNESS 6TH AMEND. COMPULSORY PROCESS:

TR. PAGE 120 LINES 3.-4. LIED TO COURT SUBPOENA WAKANDA CORDER

L. 16-17; 19. LIED (PERJURY) TO COURT SUBPOENA ARLO TODD FELTON

SEE EXHIBITS (FD-1-1). MATERIAL WITNESSES ATTEST PETTINGER'S INNOCENCE.

OUR SUPREME COURT OF U.S. HAS ESTABLISHED CONSTITUTIONAL VIOLATION
6TH AMEND. COMPULSORY PROCESS AND DUE PROCESS CLAIM UNDER 5TH AMEND.

U.S. V. VALENZUELA-BERNAL 458 U.S. 858 (1982) 4TH CIR. ("6TH AMEND. IN ALL
CRIMINAL CASES PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT...
TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESS IN HIS FAVOR").....

"(VALENZUELA-BERNAL MADE CLEAR THAT SAME MATERIALLY REQUIREMENT
[THAT APPLIES TO COMPULSORY PROCESS CLAIM] OBTAINS WITH RESPECT TO A
DUE PROCESS CLAIM" UNDER THE 5TH AMEND. 1d. at 872);

~~REDACTED~~ U.S. V. LEAL-DEL CARMON, 699 F.3d 964, 970 (9TH CIR. 2012);
U.S. V. GONZALES, 436 F.3d 560, 578 (5TH CIR. 2007) ("GOVERNMENT ACTED IN BAD
FAITH DEPARTING A KEY WITNESS IN A CONSCIOUS EFFORT TO GAIN A TACTICAL
ADVANTAGE BY SUPPRESSING EXCULPATORY EVIDENCE");

3. (SUBMIT PERJURY TESTIMONY TO JURY: SEE ATTACHMENT (F) PERJURY TESTIMONY
SUBMITTED BY PROSECUTION 718 F.3d 272 JOHN MICHAEL WOLFE VS. MARGO W. CLARKE
DIR. VIRG. D.O.C. NO. 12-7 ARGUED 1/28/13, DECIDED 5/22/13, JULY 26, 2011, EVIDENTIARY
HEARING COURT RULED PROSECUTION VIOLATION 14TH AMEND. DUE PROCESS: (1) FAILING TO
DISCLOSE FAVORABLE MATERIAL EVIDENCE BRADY 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.
2d 315 (1963). (2) MISCARRING JUSTICE AND DEPRIVING DEFENDANT OF INFORMATION THAT-

III.

ATTACHMENT

PROSECUTOR MISCONDUCT

3) - INDICATING HIS TESTIMONY WAS FALSE IN VIOLATION OF NAPUE V. ILLINOIS 360 U.S. 261, 79 S.Ct. 1173, 36 L.Ed. 2d 1212 (1959)

PROBATIVE FACT(S) KIMBERLY V. BARR, DIDNT DISCLOSE PROFFER AGREEMENT TO JURY CLAIM NOT KNOW HE RECEIVED (LONNIE DOZIER) REDUCTION PAGE 132: LINES 13-25; PAGE 135: LINES 1-25; BUT PAGE 132: LINES 20-25 ATTEST PROFFER DEAL, SOLICITOR KIMBERLY V. BARR, CLAIM NEVER SAW P JUDGE GEORGE C. JAMES / CHIEF JUSTICE, ACKNOWLEDGES TIME REDUCTION PAGE 133: LINES 7-13; PAGE 134: LINES 1-7

SEE U.S. CASE(S) BERGER V. U.S. 295 U.S. 78, 88, 55 S.Ct. 609, 79 L.Ed. 1314 (1935) "IT IS AS MUCH (A) [PROSECUTOR'S] DUTY TO REFRAIN FROM IMPROPER METHODS CALCULATED TO PRODUCE A WRONGFUL CONVICTION AS IT IS TO USE EVERY LEGITIMATE MEANS TO BRING ABOUT A JUST ONE"

CONNICK V. THOMPSON - U.S. - 131 S.Ct. 1350, 1365, 178 L.Ed. 2d 417 (2011).
MESAREASH V. U.S. 352 U.S. Led 2d 1. 77 S.Ct. (1956); U.S. V. ARCURS U.S. 92 49 Led 2d 342, 96 S.Ct. 2392 (1976) "THE PROSECUTOR HAS A CONSTITUTIONAL DUTY TO CORRECT EVIDENCE MEANS IS FALSE" SEE EXH. 1 A, USA TODAY MARCH 2015, ARTICLE BY, GLENN HARLAN REYNOLDS, UNIVERSITY OF TENNESSEE LAW PROFESSOR, AUTHOR OF "THE NEW SCHOOL" TITLED [PROSECUTORS PROTECT THEMSELVES FIRST. WHEN THEY LIE, THEY GET IMMUNITY] [PROSECUTOR ROBERT MURRAY] PRODUCED TO COURT A TRANSLATED TRANSCRIPT OF FALSE CONFESSION OF DEFENDANT [EFFRAIN VELASCO-PALACIOS] IN 2013 P ADMITTING FALSIFYING TRANSCRIPT TO SECURE AN ILLICIT ADVANTAGE. TRIAL JUDGE HONORABLE DISMISS.

IV. ATTACHMENT

PROSECUTOR MISCONDUCT

3. Because DIDNT INVOLVE PHYSICAL BRUTALITY & HONORABLE COURT OF APPEALS DENIED & DEFENDANT WENT FREE.

THIS VALIDATING NOT NEW AND HAPPENS ALL OVER U.S!

VIEW (PERGURY) TESTIMONY TRIAL TRANSCRIPT: 11/ page. 165: LINES 2. (HE ROCKING A MOUNTAIN) "AT TIME CRIME HOWEVER PAGE 564 STATES EXHIBIT 2: BOOOTING PHOTO (G) SIX DAYS BEFORE CRIME VOUCHER THAT IS A HEI PERGURY PETITIONER HAS BALD HEAD BEEN FASHION SINCE 1995."

2. (FEDERAL TRANSCRIPT, 8/9/03, PAGE 3 PARAGRAPH 3 (G) EXHIBIT B, TOLD FEDERAL AGENT VINCENT FRAMINI, "(MUSELET GAVE BB BACK TO STEVE DRANTI (RIP) AFTER SHOOTING)" BUT TOLD JURY PAGE: 171 LINES 1-3 "(COREY GAVE BACK GUN)"; 16-18 ;

4. (FRAUDULENT / FALSIFIED DOCUMENTS) 8/5/98

B. (FRAUDULENT BENCH WARRANTS) TO ILLEGALLY KIDNAP ADA PETITIONER
SEE ATTACHMENT B.W. ILLEGAL BENCH WARRANTS)

HEINRICH EXREL HEINRICH V. SWEET D. MASS (1999) "THE RIGHT OF COURT ACCESS IS VIOLATED WHEN GOVERNMENT OFFICIALS WRONGFULLY INTENTIONALLY CONCEAL INFO. CRUCIAL TO JUDICIAL REDRESS, DO SO IN ORDER TO FRUSTRATE THE RIGHT & SUBSTANTIALLY REDUCE THE LIKELIHOOD OF OBTAINING REDRESS."

PETITIONER WANTS COURT VACATE SENTENCE, REMAND GENERAL SESSIONS FOR NEW TRIAL AND GRANT BOND STAY MOTION AWAY FROM PENDING APPEAL AND GRANT CERTIFICATE OF INNOCENCE

Walter H. Major
WITHOUT PREJUDICE

EX-111

INCIDENT TYPE

1. MURDER *EXH. F.B.I - F*

2. **COMPLETED** YES NO **FORCED ENTRY** YES NO **PREMISE TYPE** 20 RESIDENCE/HOME **UNITS ENTERED**

3. **INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)** 903 THORNE AVE KINGSTREE SC

FILED
GWENDOLYN D. CRILES

INCIDENT DATE 03/23/2001 **24 HR. CLOCK** 21:35 **TO DATE** 03/23/2001 **24 HR. CLOCK** 21:49

DISPATCH DATE/TIME 03/23/2001 21:52 **DISPATCH TIME** 21:52 **TIME ARRIVED** 22:37 **DEPART TIME**

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) CHANDLER, WILLIE JAMES **CLERK OF COURT**

ADDRESS 813 THORNE AVE **CITY** KINGSTREE **STATE** SC **ZIP CODE** 29556

VICTIM'S NAME (LAST, FIRST, MIDDLE) YORK, TORY **RELATIONSHIP TO SUBJECT** AQ **RESIDENT** J **RACE** B **SEX** M **AGE** 36 **ETH** N **DAYTIME PHONE** 843-354-6480 **EVENING PHONE** 843-354-6400

HEIGHT 509 **WEIGHT** 160 **HAIR** 1 BLACK **EYES** 2 BROWN **FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.**

VISIBLE INJURY (VICT. 1) YES NO UNK **EXPLAIN**

VICTIM (NO. 1) USING: ALCOHOL YES NO UNK **DRUGS:** YES NO UNK **TYPE**

WARRANT SUSPECT RUNAWAY WANTED ARREST JAIL SUMMONS ORDER

NAME (LAST, FIRST, MIDDLE) UNKNOWN, UNKNOWN **RACE** U **SEX** U **AGE** 00 **ETH** U **DATE OF BIRTH** **HEIGHT** **WEIGHT** **HAIR** **EYES**

ADDRESS UNKNOWN **CITY** UNKNOWN **STATE** **ZIP CODE** **LOCATION NO.**

SUBJECTING (1) USING: ALCOHOL YES NO UNK **DRUGS:** YES NO UNK **TYPE**

ARRESTED NEAR OFFENSE SCENE YES NO **TOTAL # ARRESTED** **DATE/TIME OF OFFENSE** 03/23/2001 9:35:00 PM **DATE/TIME OF ARREST**

ON THE ABOVE DATE AND TIME OFFICERS WERE DISPATCHED TO 903 THORNE AVE ON REPORT OF A SHOOTING. UPON ARRIVAL THE VICTIM WAS LOCATED BEHIND 813 THORNE AVE WITH SEVERAL GUN SHOT WOUNDS. THE VICTIM WAS LOCATED IN HIS FRONT YARD AT 903 THORNE AVE JUST BEFORE SHOTS WERE HEARD BY THE COMPLAINANT WHO SAW THE VICTIM TALKING WITH A BLACK MALE WITH GOLD TEETH AND BRAIDS IN HIS HAIR. THE VICTIM WAS TRANSPORTED TO THE WILLIAMSBURG HOSPITAL WHERE HE WAS ANNOUNCED DEAD. A ROUND FROM THE SHOOTING WAS LOCATED IN THE HOUSE NEXT DOOR AT 905 THORNE AVE. THIS CASE IS STILL UNDER INVESTIGATION AT THIS TIME.

*TORY YORK THIS IS VICTIM'S COUSIN!
THATS NOT MY DESCRIPTION AT CRIME SCENE*

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

TOTAL VALUE

ST IDENTIFIED NO YES **SUBJECT LOCATED** YES NO

EXCEPTIONAL CLEARANCE: OFFENDER DEATH NO PROSECUTION ACTIVE ADM. CLOSED UNFOUNDED ARRESTED UNDER 18 ARRESTED 18 AND OVER EX-CLEAR UNDER 18 EX-CLEAR 18 AND OVER

ARRESTED UNDER 18 **ARRESTED 18 AND OVER** **EX-CLEAR UNDER 18** **EX-CLEAR 18 AND OVER**

1. EXTRADITION DENIED **4. VICTIM OFFERED**

JOSEPH M

STATEMENT BY [Name] 1/18/07

EXHIBIT
EXHIBIT E

KINGSTREE POLICE DEPARTMENT STATEMENT FORM

DATE 10-30-01 TIME 1:50 pm PLACE 2977 Gwendolyn Childs Blvd.

I: LJEL QUINNIA York, AM-18 YEARS OLD AND LIVE AT 2977 MLK Blvd.

CLERK OF COURT
McCORMICK COUNTY, SC

RECEIVED BY [Signature]
JAN 18 2007
OFFICE OF SOLICITOR
3RD JUDICIAL CIRCUIT, WILLIAMSBURG

I UNDERSTAND THAT I HAVE THE FOLLING RIGHTS.
I HAVE THE RIGHT TO REMAIN SILENT.
ANYTHING I SAY CAN BE USED AGAINST ME IN COURT.
I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVISE BEFORE YOU ASK ME ANY QUESTIONS AND HAVE HIM WITH ME DURING QUESTIONING.
IF I CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR ME BEFORE ANY QUESTIONING IF I WISH.
IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME.

I AM GIVING THIS STATEMENT TO Det./Sgt. S.L. Coker AN OFFICER OF THE KINGSTREE POLICE DEPARTMENT.

About 6:30 pm on Friday I went to Tori's house. This was the same Friday that Tony was killed. When I got to his house Edwin & Edwin's Scott's white car was on the side of the house. When I walked in Edwin & Edwin Scott, Carlos & Toni, Phillip Hansen & Tori talk where there they were arguing at Tori about some money. I saw a gun on the coffee table, it was black & silver and Tony grabbed it and said it was his. Tori gave me seven dollars to get my hair cut. AS I WAS leaving to see Little 'Doo' & Little Dee pull up in the green Expedition this is Little 'A' Expedition the one with bars over the grill. Don Bussess was in the back seat. I went and got my hair cut and then went to Frierson Homes. I WAS AT Frierson Homes about 10-15 minutes when I heard some shots coming from Thorne Ave. I went toward Thorne Ave. and AS I WAS down in the valley on Lawrence St. I SAW the green Expedition pass on Thorne Ave. headed toward Kelly's store. About A week later I WAS over in Dark circle when Andy White walked up and said I need to talk to your people and I said about what. He said that on the night Tori WAS shot (Tony) ran to the house.

09- and said Give me a shirt to Andy - I.Y.

WITNESS
WITNESS

SIGN

[Handwritten signature]

EXH. 09

245F-CO-23755

Since Tory York never returned to his residence with the drugs, Burgess went to B's Store and had the conversation mentioned earlier with Cooper, Fulton, and Brockington. While at B's Store, Burgess gambled with the money he was going to use to buy drugs by playing dice. Burgess stayed at B's Store approximately two hours and left at approximately 7:30 PM to 8:00 PM that night.

Burgess went to the Track Stop Convenience Store in Kingstree to hang out at approximately 8:30 PM to 9:00 PM that same day. Zachary Woods and Lamar Franklin told Burgess that Cooper, Fulton, and Brockington had just left Tory York's residence. They told Burgess that Fulton sat in Brockington's truck the entire time and that the other two went on the porch of York's residence and confronted him about stealing Brockington's drugs. At the time, they were driving in Brockington's Ford Expedition.

After arriving at the Track Stop Convenience Store, Burgess was dealing drugs at that location. [Approximately one to two hours later, Burgess heard that Tory York had gotten shot. Initially, Burgess heard that Cooper and Brockington had paid Terrell Brown, aka Rell, from Charleston, SC, to shoot Tory York. Later that same night, Burgess heard that Steve Singletary, aka Rab, and Neal Hammond actually did the shooting.]

[Keshia Burgess, Burgess' sister, told Burgess that Tory York, Keshia Burgess, Carlos York, and Tony York were all together the night before Tory York was murdered. Carlos York and Tony York are brothers and are cousins with Tory York. Keshia Burgess told Burgess that they followed Brockington that night when he left the Night Life nightclub in Kingstree. Keshia Burgess drove the vehicle they were all riding in and they followed Brockington to a location near Brockington's residence. Brockington had his drugs hidden in a safe near the residence. After Brockington left the location where he had hidden his drugs, they returned to that location and retrieved the safe, which contained the drugs, and busted it open to get the drugs. The drugs were hidden by a trailer used by Brockington to distribute drugs.]

According to Burgess, no one has confronted his sister regarding the theft of Brockington's drugs, but Cooper and others have confronted Carlos York and Tony York regarding the theft of the drugs.

After the murder of Tory York, Keshia Burgess told Burgess that Tony York had blood on him and had a lot of drugs in

EXH. B

FD-302a (Rev 10-6-95)

- EXH. 10 -

245F-CO-23755

Brody & Co. To The
District

Continuation of FD-302 of Don Burgess, On 03/18/2002, Page 6

his possession. At that time, Carlos York and Keshia Burgess were dating each other.

Carlos York told Burgess that Tory York had sold Kevin Pendergrass approximately two to four ounces of powder cocaine at a very cheap price earlier in the day on the day that Tory York was murdered. Since Pendergrass was close friends with Cooper, Burgess speculated that Pendergrass must have told Cooper about the transaction and Cooper made the connection with Brockington's stolen drugs.

In approximately 1997 or 1998, Burgess was driving a black GMC Jimmy vehicle, which was owned by Acquinetta (phonetic) Nesbitt, who lived in Turbeville, SC. At that time, Nesbitt dated Burgess' brother, Fred Burgess, aka Dirt. While Burgess was on his way to Nesbitt's residence in Turbeville to return her vehicle, the engine blew up and caught on fire. Burgess telephoned Nesbitt and Nesbitt arrived at the location with one of her friends. Nesbitt's friend drove Nesbitt and Burgess back to Nesbitt's residence and dropped them off at that location.

Shortly after arriving at Nesbitt's residence, Dennis Parrott, aka Dog Man, Williamsburg County Sheriff's Office, arrived at Nesbitt's residence. Nesbitt is the daughter of Parrott. Since Burgess was scared of Parrott, Burgess hid under a bed at the residence. Parrott had a conversation with Nesbitt and then gave Nesbitt an ounce of cocaine. After Parrott left the residence, Nesbitt admitted that Parrott had given her the drugs. Nesbitt stated, "You didn't know Dog Man was giving me dope?" Nesbitt told Burgess that Parrott was paying her rent and selling drugs was how she was making money.

It was Burgess' understanding that Nesbitt currently deals drugs out of a trailer on Airport Circle in Lake City, where she currently resides. Nesbitt also got drugs from Burgess' brother, Derrick Burgess, in the past.

EXH. 14

245I-CO-23755

Continuation of FD-302 of

Carlos York

, On 4/24/2003

, Page

2

believed that Stumpy may have been the actual individual who shot Tory York.

After Tory York's murder, Keisha Burgess and Furman (Last Name Unknown) were on their way traveling to the funeral home that was conducting York's funeral. During the trip, someone with plats in their hair, who was driving in a green Pontiac Grand Am vehicle, pulled up next to their vehicle and pointed his finger like he was pulling a trigger at them. York believed that this was a threat against Keisha Burgess, who was also involved in the theft of drugs which resulted in Tory York's murder.

Isaac Woods, also known as Bug, a drug dealer in Williamsburg County, kept telling York after Tory York's murder that there was one down and three more to go, which York took as a threat.

Sheretta (Last Name Unknown) from Lake City, South Carolina, was another girlfriend of Tory York. Sheretta was related to Dee Dee (LNU). Sheretta and Dee Dee may have information regarding Tory York's murder.

An individual, who York only knew as Monkey Joe, who owned a night club in Williamsburg County, probably was bribed to lie for Wakonda Cooper, also known as Little Dew; David Brockington, also known as Little D; and Arlo Fulton, also known as Todd. Monkey Joe was probably bribed to tell the police that those individuals were at his night club on the night of Tory York's murder. Monkey Joe's son's name was Terry.

Abla McClarey dated Wakonda Cooper on the date of Tory York's murder. McClarey should also have information regarding Tory York's murder.

III.

R.1 ARLO TODD FULTON file # QMS CO-23753, 4/2/2000, EXH. 5.
ATTEST SWAFFORD PAID TO DO CRIME AND SWORN Declaration of Service
He signed clear Appellants Name, EXH. 6.

F.1 Gloria J. Smith Attest saw victims wife and hugged her she
SAID (I KNOW YOUR SON DIDNT KILL MY HUSBAND.)

2.1 ORDER FUNDS FOR INVESTIGATOR & EXPERT SERVICES 1994 APPROPRIATIONS
ACT § 500 ACT. NO. 164, 1993 S.C. ACTS 531 § 17-3-50(B) FOR PRIVATE INVESTIGATOR
EVEN ORIGINAL P.I. MR. JOHN DAVIS, 1803-491-4819, whom submitted 4/27/14
SWORN Affidavit to aid in finding material witnesses for depositions § 3144
subpoena material witnesses, S.C. Code ANN § 17-27-80 Oral Testimony
Depositions;

3.1 ORDER clerk select case as Deputy clerk Madam Brenda F. Stealy schedule
Motion Meeting in front Tribunal of Supreme Court via Rule 19(e) FOR
All Parties;

4.1 ORDER IF TRIBUNAL Rules UNBROKE & GRANT A RETURNING OF ILLEGAL CONVICTION
of ADA Petitioner protected by Redefined Congress ADA Amended Act of 2008
Effective, JAN. 1. 2008, 42 USC § 19102(a)(4), due to Attached DIRECT MERITAL
documentation of Constitutional violations AND Previne ADA-Appellants with A
Certificate of Innocence from TRIBUNAL OR CLERK OF COURT

, CASE LAWS,

Attorney DIRECT MERITAL Tribunal is a RETENTION TO COURT WITH AL 11

EXH. 2

SUBSTITUTE

NOT ALLOWED TO SHOW
JURY!!!

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/02/2002

Arlo Fulton, also known as Todd Fulton, was advised of the nature of the interview. Also present was Chris R. Graham, Special Agent, South Carolina Law Enforcement Division (SLED). The interview was conducted, pursuant to a written Proffer Agreement, at the Florence County Detention Center. Fulton provided the following information:

Fulton admitted that when he was previously interviewed regarding the murder of Tory York on March 23, 2001, that Fulton left out a key piece of information. According to Fulton, after Fulton; David Brockington, also known as Little D; and Wakonda Cooper, also known as Little Dew, left York's residence on the date that York was murdered, Brockington was cursing about the Yorks lying to him about stealing Brockington's drugs. Brockington then got real quiet while all three of them drove in Brockington's Ford Expedition to a liquor store in Kingstree. They were at the liquor store for approximately five minutes before departing that location.

After leaving the liquor store, Brockington drove to Young's Food Store, located off of Highway 261 near Farmer's Telephone Coop. At that time, Brockington saw Steve Singletary, also known as Rab, pumping gas at Young's Food Store. Singletary was driving a 1988 or a 1989 Cadillac four door Fleetwood with rims and a white top. Singletary was with his cousin, Neal Hammond, who was possibly from the Cedar Hill section of Williamsburg County, South Carolina. Fulton believed that Singletary was from the White Oak section of Williamsburg County.

While Brockington sat in the driver's seat of Brockington's vehicle, Singletary and Hammond came over to Brockington's vehicle and Singletary spoke with Brockington. When Singletary originally spoke with Singletary, Brockington told Singletary that he wanted Singletary to do him a favor. Singletary responded, "I need a bill paid anyway." Brockington discussed with Singletary how York stole Brockington's drugs.

Fulton also recalled that Brockington told Singletary that Tory York and the others were sitting on the porch of York's

Alley

[EXH. W. D.]

[EXH. VII. 1]

RE: STATE VS. ARTHUR MUSELEY AKA SHUHIO MATJID
C/N 2014-0001999

DECLARATION OF SERVICE

PURSUANT TO § 1746 OF TITLE 18 U.S.C. I CERTIFY UNDER PENALTY OF PERJURY THAT BY MY SIGNATURE BELOW I ATTEST THAT: (1) STATEMENT MADE ON 3/26/09, AT EFFINGHAM, S.C. FILE # 245 F-CO-23755, DATE INCREATED, 4/1/09, TRANSCRIPTION, 4/2/09, TO FEDERAL AGENT VINCENT B. FLAMINI UNDER PROFFER AGREEMENT IS TRUE AND CORRECT; (2) ANY AND ALL STATEMENTS MADE TO FEDERAL AGENT VINCENT B. FLAMINI PERTAINING TO INVESTIGATION OF MURDER OF TONY YORK (RIP) IS TRUE AND CORRECT; (3) FROM MY KNOWLEDGE ARTHUR MUSELEY AKA SHUHIO MATJID WHO WAS SENTENCED TO 50 YRS. ON 1/31/14, HAD NOTHING TO DO WITH CRIME. MY SIGNATURE BELOW IS TRUE AND CORRECT AND NOT MEANT TO MISLEAD SO HELP ME GOD.

SIGNATURE: *Arlo Fulton*

PRINT NAME: Arlo Fulton

DATE: 4-18-2016

IV.

AND MOTION TO REINSTATE APPEAL SEE OUR 4th CIR. CASE WIS VS. CAGILL
4th CIR. #91CB 300 (VACATE CONVICTION DUE TO PROSECUTORIAL MISCONDUCT
CONVICTION NOT RETURNED NEW TRIAL ORDERED)''.

Commonwealth VA vs. SHANE CROSBY 478 BS (REINSTATEMENT OF APPEAL DUE TO
INEFFECTIVE ASSISTANCE OF COUNSEL / APPEAL REINSTATED).

Commonwealth vs. Wells (PA) 1998 (2003); STATE OF NH vs. ROSE (JEFFERSON CO)
01-CR-1087; WIS V. JACOBS (USCA 4th CIR) NO. 45417 03-48167 (REINSTATED)
Right to Appeal)

THE S.C. SUPREME COURT HAS JURISDICTION TO ENTERTAIN MOTION
AND IT IS IN PUBLIC INTEREST SEE PHILIPS - ROPER VS. NIXON (8th CIR COURT)

(IT IS ALWAYS IN THE PUBLIC INTEREST TO PROTECT CONSTITUTIONAL RIGHTS);

SEE ALSO PHILIPPS VS. OAKLAND CO. PROSECUTOR'S OFFICE (E.D. MICH. 1975)

(THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST)''

ADA- APPELLANT IS INNOCENT, MENTALLY ILL, ILLEGALLY DETAINED AND SO

HUMBLY MAKE FOR MOTION GRANTED IN WORDS OF U.S. SUPREME COURT JUSTICE

LOUIS P. BRANDIS 1856-1941 (CRIME IS CONTAGIOUS IF THE GOVERNMENT
BECOMES THE LAW BREAKER, IT BREEDS CONTEMPT FOR THE LAW)''

I SO HUMBLY MAKE ON THIS DAY OF 20th MONTH OF JUNE, 2020

Sincerely

Abdullah Majid

WITHOUT PREJUDICE (CON-20)

11/12/2020
LEGAL MAIL