

EXHIBIT, "2020-CP-10-252"

3

SEQUOIA DONTRÉL MCKINNON

#368688 BB-RM 2216

LEECE 990 WISKEY HWY

BISHOPVILLE SC 29010

IN RE to filing a PCR

DEAR CLERK OF COURT,

The attached document is  
being filed pursuant to filing  
a PCR application. Please file  
it, assign it a case number,  
return to me a clocked stamped

10/2

copy of it, to allow me to  
ARGUE it before the involved  
courts. For this I would be  
grateful. Thank you.

Respectfully  
Sequoia D. McKinnon

May 29, 2020

2020

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Sequoia McKillop  
Plaintiff(s)

vs.  
State of South Carolina  
Defendant(s)

Submitted By: Sequoia D. McKillop  
Address: 3312 W. 22nd St  
Wichewater Hwy  
Bishopville, SC 29010

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2020 -CP-10- 2523

SC Bar #: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Other: \_\_\_\_\_  
E-mail: \_\_\_\_\_

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

**DOCKETING INFORMATION (Check all that apply)**

- JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

*\*If Action is Judgment/Settlement do not complete*

NON-JURY TRIAL demanded in complaint.

**NATURE OF ACTION (Check One Box Below)**

**Contracts**

- Constructions (100)
- Debt Collection (110)
- General (130)
- Breach of Contract (140)
- Fraud/Bad Faith (150)
- Failure to Deliver/Warranty (160)
- Employment Discrim (170)
- Employment (180)
- Other (199)

**Torts - Professional Malpractice**

- Dental Malpractice (200)
- Legal Malpractice (210)
- Medical Malpractice (220)
- Previous Notice of Intent Case # 20-NI-
- Notice/ File Med Mal (230)
- Other (299)

**Torts - Personal Injury**

- Conversion (310)
- Motor Vehicle Accident (320)
- Premises Liability (330)
- Products Liability (340)
- Personal Injury (350)
- Wrongful Death (360)
- Assault/Battery (370)
- Slander/Libel (380)
- Other (399)

**Real Property**

- Claim & Delivery (400)
- Condemnation (410)
- Foreclosure (420)
- Mechanic's Lien (430)
- Partition (440)
- Possession (450)
- Building Code Violation (460)
- Other (499)

**Writs**

- PCR
- Mandamus (500)
- Habeas Corpus (530)
- Other (599)

**Administrative Law/Relief**

- Reinstate Drv. License (800)
- Judicial Review (810)
- Relief (820)
- Permanent Injunction (830)
- Forfeiture-Petition (840)
- Forfeiture-Consent Order (850)
- Other (899)

**Judgments/Settlements**

- Death Settlement (700)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Minor Settlement (730)
- Transcript Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Payment Rights Application (760)
- Confession of Judgment (770)
- Petition for Workers Compensation Settlement Approval (780)
- Other (799)

**Appeals**

- Arbitration (900)
- Magistrate-Civil (910)
- Magistrate-Criminal (920)
- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Security Comm (991)
- Other (999)

**Special/Complex /Other**

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Other (699)
- Sexual Predator (510)
- Permanent Restraining Order (680)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out-of State Depositions (650)
- Motion to Quash Subpoena in an Out-of-County Action (660)
- Pre-Suit Discovery (670)

Submitting Party Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA )

County of CHARLESTON )

IN THE COURT OF COMMON PLEAS

~~SEQUOIA DONALD REID McMillan~~ )  
Full name and prison number (if any) of Applicant )

2020-CP 10-2523

#368688

v.

APPLICATION FOR

State of South Carolina )

POST-CONVICTION RELIEF

Affidavit of Facts Guiltily  
Admitted Notice

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention LEE CJ E3B-RM 2216  
990 WISKEY HWY Bishopville, SC 29010
2. Name and location of Court which imposed sentence CHARLESTON COUNTY  
COURT OF GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) SEE CASE NUMBER  
2017-CP-10-2656
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) SEE CASE 2017-CP-10-2656
  - (b) U

(c) SEE CASE 2007-CP-10-2656

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) U
- (b) U
- (c) U

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty U
- (b) after a plea of not guilty U
- (c) after a plea of nolo contendere U

7. Did you appeal from the judgment of conviction or the imposition of sentence?

U

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

- i. U
- ii. U
- iii. U

(b) the result in each such Court to which you appealed:

- i. U
- ii. U
- iii. U

(c) the date of each such result:

- i. U
- ii. U
- iii. U

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. U
- ii. U
- iii. U

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) U

(b) SEE CASE 2017-CP-10-2656  
(c) U

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) 4th, 5th, 6th, 13th, 14th, 15th Amendment  
(b) Violations, Subject Matter Jurisdiction, Due  
(c) Process Violations, Fraud upon the Court, Prosecu-  
tional misconduct, Ineffective Assistance of Counsel

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) SEVERAL PAGES ARE ATTACHED BUT THE  
(b) FULL LITIGATION IS FORTHCOMING, I  
(c) INTEND TO IMMEDIATELY AMEND

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? YES  
(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO  
(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO  
(d) any other petitions, motions or applications in this or any other Court? YES

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:  
i. SEE CASE 2017-CP-10-2656  
ii. U  
iii. U  
iv. U  
(b) the name and location of the Court in which each was filed:  
i. U  
ii. U  
iii. U  
iv. U

(c) the disposition thereof:

- i. SEE CASE 2017-CP-10-2656
- ii. U
- iii. U
- iv. U

(d) the date of each such disposition:

- i. U
- ii. U
- iii. U
- iv. U

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. U
- ii. U
- iii. U
- iv. U

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO  
U

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. U
- ii. U
- iii. U
- iv. U

(b) the proceedings in which each ground was raised:

- i. U
- ii. U
- iii. U

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) COUNSEL WAS INEFFECTIVE, AND
- (b) DID NOT DISCOVER ISSUES UNTIL NOW.
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? SEE CASE 2017-CP-10-2656
- (b) your trial, if any? U
- (c) your sentencing? U
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? U
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? U

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. U
  - U
  - ii. U
  - U
  - iii. U
  - U
- (b) the proceedings at which each such attorney represented you:
  - i. U
  - U
  - ii. U
  - U
  - iii. U
  - U

I give the court and parties  
judicial notice. I intend to immediately  
amend this PCR to fully place forth  
the issues that are to be presented  
to this court once a case number  
is assigned and forwarded to me,  
to address the claims listed in the  
grounds under (C) of this document.

Inasmuch, it is beyond dispute  
that the "sentencing sheets" are this  
state's equivalent to a commitment  
order. I give the court and all  
parties judicial notice. This PCR is  
not filed merely attacking the  
indictments and other constitutional  
6 of 23

STRUCTURAL AND DUE PROCESS ERRORS  
that exist in this case. This is a  
collateral attack upon the sentencing  
sheets which are legally designated  
as commitment orders, as well as  
a collateral attack upon the final  
order issued in the PCR case 2017-  
CA-10-2656 for fraud upon the court  
and challenge to that court's juris-  
diction as is for the criminal courts  
jurisdiction. This would automatically  
establish a challenge to the SC  
SUPREME COURT'S JURISDICTION UNDER  
CASE 2019-000398 since the order  
from the PCR COURT IS A JURISDICTIONAL  
PREREQUISITE to the SC SUPREME COURT'S

JURISDICTION UNDER CASE 2019-000398.  
IF THE FINAL ORDER EMERGING FROM  
CASE 2017-CP-10-2656 IS TO BE DEEMED  
VOID FOR UNCONSTITUTIONAL ACTIONS, SO  
WOULD THE SC SUPREME COURT'S JURIS-  
DICTION BE VOID SINCE THE UNCONSTITU-  
TIONAL ORDER FROM THE PCR COURT IS  
THE VEHICLE IN WHICH JURISDICTION  
BY DUE PROCESS LAW IS CONFERRED ON  
THE SC SUPREME COURT. IT WOULD BE  
AN ABUSE OF DISCRETION, OBSTRUCTION OF  
JUSTICE AND AN ACT OF FRAUD UPON THE  
COURT FOR THE PCR COURT AND STATE  
TO DETERMINE THAT THE APPLICANT IS  
PROCEDURALLY BARRED WHEN MANY OF

the issues involved in this case  
are jurisdictional in nature where I  
am arguing against the precedent  
established by State v Gentry 2005  
pursuant to Rules of Appellate Proce-  
dure, Rule 217 involving issues which  
cannot be waived, which can be raised  
at any stage, at any time, even after  
a final judgment has been entered,  
Steel Co. v. Citizens for a Better Env-  
ironment, 523 US 83, 118 Sct 1003 (US  
1998); Jamm v Cincinnati Ins. Company,  
2020 WL 60932 (5th Cir 2020); CHASE v.  
Andeavor Logistics L.P., 2019 WL 5847879  
#2 Wtd Tex.; United States v. Valladares,  
2019 WL 4888629 #1, Wtd Tex.; Arbaugh

V. Y & H CORP., 546 US 500, 126 Sct. 1235  
(US 2006), STEVENS E. HECKER, Plaintiff  
v. The State of Washington, Defendant,  
2020 WL 134168 (Fed Ct. 2020), HENDERSON  
EX REL HENDERSON v. SHIPSEL, 131 Sct 1197,  
1198 U.S. | BURGESS v. United States,  
2019 WL 7293400 \*1 D. Md.

The sentencing sheets, as commitment orders, establish the order or decree from the general sessions court pertaining to my conviction. The final order related to my prior per under case 2017-CP-10-2656 is a jurisdictional requisite to concluding the matters before that court and a jurisdictional prerequisite to

10 of 23

THE SC SUPREME COURT ENTERING  
JURISDICTION UNDER CASE NUMBER 2019-  
000398 AND DUE TO THE UNCONSTITU-  
TIONAL ACTION THAT SHALL BE ASSERTED  
IN THE AMENDED PCR AND DUE TO THE  
CIRCUMVENTING AND FAILURE TO HEAR  
JURISDICTIONAL ISSUES WHICH CANNOT BE  
WAIVED BY ME WHERE THE STATE APPOINTED  
ATTORNEY CONSPIRED UNDER COLOR OF STATE  
LAW WITH THE PROSECUTOR VIOLATING MY  
CONSTITUTIONAL RIGHT OF AUTONOMY TO PRE-  
VENT THE ISSUES FROM BEING HEARD,  
VIOLATING US SUPREME COURT HOLDINGS  
UNDER MCCOY V LOUISIANA -- SET --, 2018  
WL 2186174 (US 2018). SUCH UNCONSTITU-  
TIONAL ACTION AND FRAUD UPON THE COURT  
RENDERS THE FINAL ORDER ISSUED IN

CASE 2017 CP-10-2656 which is the REQUISITE to the SC SUPREME COURT ENTERTAINING JURISDICTION UNDER CASE 2019-000398 UNCONSTITUTIONAL AND VOID ESTABLISHING CHALLENGE TO THE SC SUPREME COURT'S JURISDICTION UNDER THE PENDING STATE CASE. Thus, due to these JURISDICTIONAL CHALLENGES AND FRAUD UPON THE COURT INTENDED TO BE ARGUED IN THE AMENDMENT TO COME. ANY CLAIM OF A STATUTE OF LIMITATION CLAIM OR SUCCESSIVE PCR CLAIM OR ANY CLAIM THAT ACTION IS PENDING UNDER CASE 2019-000398 WOULD NOT PREVENT REVIEW UNDER THIS PRESENTLY SUBMITTED PCR DUE TO SUCH CLAIMS BEING PROCEDURAL LIMITATIONS FOR WHICH A COLLATERAL

Attack for fraud upon the court is  
FREE of such procedural limitations  
which the above mentioned clearly  
ARE. FRAUD vitiates EVERYTHING that  
it enters and a judgment procured  
by fraud may be collaterally attacked  
for that fraud upon the court. This  
applies to all acts, orders, judgments  
or decrees of all courts on record,  
which the ~~several~~ sheets, as  
commitment orders also represent.  
~~See~~ citings of law that will be listed  
in the Amended PCR. Also see,  
Myles v Dominos Pizza, LLC, 2017 WL  
238436 (DC Miss. 2017); United States v.  
Conrad, 675 Fed Appx 263, 265 CA4  
(DC 2017); Leumiet v United States, 65

FSUPP 3d 19 (2014).

Inasmuch, this filing is filed  
Under the Independent Action Rule  
FOR FRAUD UPON THE COURTS INVOLVED.  
DUE TO ATTACKING THE "SENTENCING  
SHEETS", WHICH ARE THE LEGAL DESIGNA-  
TED "COMMITMENT ORDERS" AND THE  
PRIOR ORDER UNDER CASE 2017-CA-10-  
2656 WHICH AUTOMATICALLY ESTABLISHES  
A JURISDICTIONAL CHALLENGE TO CASE 2019-  
000398, ALL ESTABLISHING JURISDICTIONAL  
CHALLENGE AT MULTI LEVELS. THEREFORE,  
THE COURT OF COMMON PLEAS, THE SC  
SUPREME COURT, NOR THE SC ATTORNEY  
GENERAL CAN FAIRLY OR LEGALLY ASSERT  
THAT I AM "TIME BARRED", OR THAT

THE PCR IS SUCCESSIVE, OR THAT I  
HAVE PENDING ACTIONS AND CANNOT  
FILE IN TWO COURTS SINCE THE FINAL  
ORDERS IN QUESTION WOULD BE DEEMED  
UNCONSTITUTIONAL AND A VIOLATION OF  
DUE PROCESS DESIGNATING THAT THEY  
BE DEEMED VOID WHICH IS THIS PCR'S  
AIM. IT IS THE APPLICANT'S CLAIM  
THAT IT IS AN ACT OF FRAUD UPON THE  
COURT FOR THE GENERAL SESSIONS  
COURT TO SIGN THE COMMITMENT  
ORDER(S), OR THE PCR COURT TO SIGN  
THE FINAL ORDER IN CASE 2017-CP-  
10-2656 ABUSING THEIR DISCRETION  
WHEN THESE JURISDICTIONAL CHALLENGES  
EXISTED WHICH CANNOT BE WAIVED

WHERE the court and prosecutor  
knew good and well, conspiring  
under color of state law, that  
these due process and unconstitu-  
tional structural errors argued  
in this document and the intended  
subsequent amended PCR existed  
in this case.

Therefore, the prior orders  
signed under case 2017-CP-10-2656  
and the signing of the commitment  
orders in the GENERAL SESSIONS  
COURT as well as the proceedings  
under 2019-000398 ARE unconstitu-  
tional, and the GENERAL SESSIONS  
16 of 23

COURT, THE PCR COURT AS WELL AS  
THE SC SUPREME COURTS, JURISDICTION  
IS VOID FOR SIGHTING THEM CORRUPTLY  
ANY PROCESS BEFORE THE SC SUPREME  
COURT, AS WELL THE CONVICTIONS  
ATTACHED TO THEM BEING A NULLITY  
AND IS AS IF THERE WERE NO  
COMMITMENT ORDERS SIGHTED, OR  
TRIAL ATTACHED TO IT, OR PCR PRO-  
CEEDING OR JUDICIAL DETERMINATION  
MADE AT ALL. IT IS WELL SETTLED  
IN LAW ALSO UNDER THE INDEPEN-  
DENT ACTION RULE, THAT A COLLATERAL  
ATTACK FOR FRAUD UPON THE COURT  
IS FREE OF ALL PROCEDURAL LIMITATIONS

such as any claim of statute of limitation restriction, successive or that another action is precluded due to the fraud upon the court that is now argued and which will appear in the amended DCR complaint, where all the afore-mentioned are all forms of procedural limitations, THE GENE SYS DATA TECHNOLOGIES INC., 204 F3d 124 (4th Cir 2000); Montgomery v Louisiana, 136 Sct 718, 193 LEd2d 599 (US 2016); United States v Libous, 858 F3d 64 (2nd Cir 2017). Also see exhibit (5)

"commitment order Attack" and  
"CASE HISTORY".

I REITERATE, THE APPLICANT  
IS CHALLENGING THE GENERAL SESSIONS  
COURTS JURISDICTION TO SIGN THE  
COMMITMENT ORDERS, THE COURT  
OF COMMON PLEAS JURISDICTION TO  
SIGN THE FINAL ORDER IN CASE  
2017 CP 10-2656, THE SC SUPREME  
COURTS JURISDICTION, AS WELL AS I  
AM CHALLENGING THEIR JURISDICTION  
TO ESTABLISH AND OR KEEP IN PLACE  
THE CONVICTION ITSELF. SUBJECT MATTER  
JURISDICTION CAN BE RAISED AT ANY  
TIME, AT ANY STAGE OF THE PROCEEDINGS.

EVEN FOR THE FIRST TIME ON APPEAL  
AND CANNOT BE WAIVED BY ME AND  
THE COURT SHALL NOT FAIL TO TAKE  
NOTICE, ESPECIALLY IN LIGHT OF THE  
FACT THAT THERE IS CLAIM OF FRAUD  
UPON THE COURT(S) INVOLVED ATTACHED  
TO THE JURISDICTIONAL CLAIMS MADE,  
Stebels v Auburn Regional Medical  
Center, 133 S Ct 817, 184 L Ed 2d 627,  
81 USLW 4053 (US 2013); Sizward  
v Riddle, F Supp 2d, 2013 WL 707018  
(DSC 2013); Grupo Dataflux v Atlas  
Global L.P., 541 US 567, 124 S Ct 192,  
158 L Ed 2d 866 (US 2004); 24 Senatorial  
Dist. Republican Committee v Alcorn,  
820 F3d 624 (4th Cir 2016). THE

A ~~measured~~ ~~per~~ with the legal issues  
in question is forthcoming. By  
the issues intended to be pre-  
sented equitable tolling attaches  
in this case due to the state  
prosecutors involvement in the  
issues of concept.

19. State clearly the relief you seek in filing this application:

~~SENTENCE AND CONVICTIONS VACATED;~~  
~~NAME AND DNA REMOVED FROM ALL~~  
~~DEPORTABLE FILES; ORDER ISSUED EXPUNGE~~  
~~RECORD.~~

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA

County of CHARLESTON )

VERIFICATION

I, SEQUOIA D. Mc KIPPON, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me at this time for vacating, setting aside or correcting the convictions and sentence attacked in this application; and that the matters and allegations therein set forth are true and correct.

+ Sequoia McKippon

SWORN to and subscribed before me this 28<sup>th</sup> day of May 2020

James McKe (L.S.)  
Notary Public.

My Commission Expires: 09/04/2021

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, Sequoia McKinnon, hereby apply for leave to proceed in this action without prepayment of fees or costs or security thereof. In support of my application I declare under penalty of perjury that the following facts are true:

- (a) I am the applicant in this action and I believe I am entitled to redress.
- (b) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Sequoia McKinnon  
Applicant

SWORN or affirmed to and subscribed before me this

28<sup>th</sup> day of May 2020

Gene M. [Signature]  
Notary Public

My Commission Expires: 09/04/20

Lee Corr., Inst.,  
990 Wisacky Highway  
Bishopville, SC 29010-1775