

To: Hon. Justices
to Mrs. Charis Allen.
Deputy Clerk.
S.C. Court of Appeals.
P.O. Box 11629.

RECEIVED

JUL 20 2020

SC Court of Appeals

1720. Senate Street
Columbia, S.C. 29211.

July 01 / 2020.

Re: State vs. Johnny Tyler Fidgett.
Case # 2019-000902.

From: Johnny Tyler Fidgett.

Dear Mrs. Allen:

Here are the Appellant
Johnny Tyler Fidgett pro-se
Brief its about 21 pages.

Dated on June 10 - 2020.

These (21) pages pro-se Brief
Bases on the facts what's
the public defender (isto
did not do before trial of
the case on May 21 - 22 -
2019. on January 09. 2019.
the Appellant were Arrest

Page of (8)

- (1) WARRANT WARRANT 01-10-2019
- (2) order of Charge 6102p0441920
- (3) order of Charge 6102p0441921.
- (4) order of Charge 6102p0441922
- (5) order of Charge 6102p0441923.

(2) through (5) judge William Frank Fortridge, Jr. had dismissed these charges listed above this statement letter to the judges also to you. et al (1) through (4)

(1) Copy of the sentence sheet indictment 2019. GS-4100058 WARRANT 2019.A4120100001

(2) Appellant Appellate Statement Date May 23/2019. is for All Justices to Review All these Evidence.

(3) page of (1)

for failure to stop for blue
and charges with several
more charges. All them
listed in the pro-se
orders brief.

These of the evidence
for the judge's.

These is the facts in
which my appellate
defense attorney fails
to put the raised issues
to the court.

See it's in my Brief.
See Evidence by number.
Please let my Brief be
timely filed.

July 01/2020

Johnny Tyler Fadgett
Appellant pro-se
Brief.

State of South Carolina
Respondent

vs.

Johnny Tyler Padgett.

Appellant Anders Pro-Se
Brief 2019-00902 Case.

Appellant 21 pages
Brief Date June 10/2019.

35 Court of Appeals
Columbia S.C.

s/ Johnny Padgett
Johnny Padgett

Johnny Tyler Padgett.
Applicant.

"BRIEF"

vs.
State of South Carolina.
Respondent.

"S.C. COURT OF APPEALS."

Statement of the Applicant.
The facts of Applicant raised
at trial for preserve for
Appellate Court reviews.

Anders → Pro-se Appellant Brief.

(1) on the January 09, 2019. The Applicant
was arrested for fail to stop for
a blue light in the City of Saluda
County South Carolina. by City Police
"Pro-se Anders Brief."

(2) on the May 21-22-2019. The Case was
calling for trial, the Applicant request
a jury trial on the Charge fail to
stop for blue light; appeal-2019-00902.

(3) on the May 21-2019. The Applicant pass a
motion to the Honorable Judge W. McLeod
to dismiss the Charges: Arrest Warrant
2019-A412010001. And the indictment #
2019-GS-4100058 which is supporting
the Arrest Warrant on the back
of the indictment, and the Enforcement
Case. 19010001 Charge officer Jacquelyn Eby

(2) Robertson, witness for the prosecution

(4) The applicant were indictment on the February 23, 2019 by Saluda County Grand Jury, February Term, 2019. Failure to stop for blue light 56.05.0750 (B) (D). Against one (1) Johnny Tyler Padgett as defendant.

(5) On the January, 10/2019. The Charge officer did not signed the arrest warrant # 2019-17412010001. It's clear another officer sign the top face of the arrest warrant for her. His name J.D. DERRICK for officer Jacquelyn E. Robertson. She claims she appeared before the magistrate Judge: J.B. Shultz. But she never did. She sign an Affidavit attach to the arrest warrant, but she sign it's out of a presence of a notary public for the state of S.C. There no evidence the Charge officer appeared before a judge to take oath or affirmation of an Affidavit attach to the arrest warrant. The unsworn Affidavit contained the allegations of the crime. January 09-2019. hereto as Exhibit (1)

(7)

where you will see SWORN TO
and subscribed before me THIS
10 DAY of JAN 2019. No such person
Sign HIS or her names as a notary
public person who took the OATH.
But you only see her names on the
AFFIDAVIT. which mean she sign her
names out of present of the notary
public present. There NO place on
the AFFIDAVIT for the notary public
could sign HIS or her names to take
the CHARGE OFFICER OATH. THIS not
legal for this AFFIDAVIT. only one names
on the Attach AFFIDAVIT. J. Robertson.

(8) on the May 21-2019. the Magistrate Judge
was present at trial to testified. All
concerning the Unsworn Affidavit by
submitted of the Charge officer. on the
May. 22/2019. the Magistrate Judge
wasnt there to testified concerning
the Unsworn Affidavit. by the Charge
officer. the Magistrate Judge. was a
Witness to the Unsworn Affidavit and
the Magistrate Judges notarized all
Attached Affidavit to all warrants.
the prosecutor ask her the Magistrate
Judge Joyce B. Shall's not to show up
on TRIAL DATE MAY 22-2019 at 9 AM.

(4)

(2) on May 21-2019, May 25/2019 the prosecutor did not direct indictment applicant Johnny Tyler Padgett - Blm. 63 of pg 1 to cure the warrant. That is because the arrest warrant number on the back of the indictment is supporting the warrant - 2019-A4470001. See exhibit (2) indictment - 2019-G54100058 so the indictment did not cure the arrest warrant, not even the attach affidavit unsworn. No person prepared the statement; No person sworn to the allegations contained the crime's on January 09, 2019. The arrest warrant were issued to the appeared by the Saluda County magistrate Judge Mrs. Joyce B. Shatts - on January 10/2019. She was the one told applicant to make a motion at the preliminary hearing to have the charge quashed and dismissed." And she gave applicant preliminary hearing form to filled out and sent to the municipal court to be granted for an preliminary hearing. The applicant were denied a preliminary hearing at his request on January 10/2019. he was never called for his preliminary hearing to have the charge quashed and dismissed."

(5)

(8) The Trial Court did not have power to hear any evidences in this case unless or until a preliminary hearing be given to the Applicant, as he's requested to the municipal court. All were ignored by the Trial Court even by the municipal court Applicant preliminary hearing.

(9) on the day of the Trial. May 21-22-2019. Applicant told the Circuit Court Trial Judge. Mr. Walter J. McLeod. he did not get a preliminary hearing of his requested to the municipal court. The prosecutor objected. States that the applicant did not need a preliminary hearing. Because he have a true bill. That the indictment cure the preliminary hearing. And the same the prosecutor said about the Arrest Warrant 2019-Ad-2010001. Claims the indictment cure the warrant and attached Affidavit. And the indictment did not cure the Arrest Warrant 2019-Ad-2010001. Because the warrant number supporting on the back of the indictment number 2019-Ad-2010001. There nothing on the back of the indictment the warrant has been cure by the indictment not even preliminary hearing.

(6)

(10) The prosecutor could not obtain an indictment from the grand jury unless Applicant receive his preliminary hearing at his request. The court and the prosecutor also grand jury lose jurisdiction of this case fail to stop for blue light until applicant requested for a preliminary hearing to be heard by the municipal court. S.C. Supreme Court made a rules on so many times concern a defendant's being denied a preliminary hearing at his request.

(11) on the May 6, 2019. The Applicant wrote his own motion to given to his public defender counsel Bennett Case. who fail to submitted it to the court by having the arrest warrant and indictment be quashed and dismissed. Counsel fail to do so. At trial May 21-22, 2019. which enforced applicant to fire counsel and the circuit court judge forced applicant to represent himself. taken the risk of self representation when he did not want to do. And enforce the same counsel on applicant after he fired counsel Bennett Case. who misled applicant into his defense. violation in that

(7)

- (12) The Circuit Trial Court denied Applicant motion to Dismiss. All these issues was raised for review for Appellate Court, Review. (1) The motion to Dismiss not in the record of the Transcript. (2) The Arrest Warrant 2019A4120001, not in the record of the Trial Transcript. (3) The Indictment not in the Trial record of the Trial Transcript. All Evidence was raised at Trial but not in the Trial Transcript, the State attempt cover its up, these of the main issues. and (4) Applicant preliminary hearing, those raised Evidence should have been attach in the Transcript. (1) Motion Date May 6, 2019. (2) Arrest Warrant 2019A4120001. (3) Indictment 2019GS-410058. (4) Sentence sheet."

(A)

"Argument to the Court."
S.C. Court of Appeals. Case 201900902
FBI to stop for Blue light. January 9,
2019. Arrest Warrant # 2019A4120001.
Indictment 2019GS-410058. Motion 5/6/19.
Refuse d witness Judge. Joyce B-Shafts.
Concern the Attach evidence Affidavit.
denied preliminary hearing. Denied
motion to quash and Dismissed
Warrant and Indictment. 2019. —

(B) In the Evans v. State of S.C. the S.C. Supreme Court ruled. Overruled any prior cases finding challenges to the indictment, grand jury, or preliminary hearing, to be issues of subject matter jurisdiction and those raised at the trial. And for preserve them for Appellate Court Review, see Evans v. State of S.C. 263- S.C. 495- 611 S2D 510 (2005). And the grand jury did not have jurisdiction to pass down true bill of an indictment and were to stop for Blue light. S.C. Code of Law. 1976. 56. S. 750-(B)(1) And the Circuit Court of Saluda County General Sessions did not have jurisdiction over this case unless or until the Appellant requested are granted for his preliminary hearing. Before this trial May 21-22-2019.

(C) The prosecutor claims the indictment cures the preliminary hearing and the arrest warrants, the court allowed the prosecutor argued its over Appellant objected; the indictment did not cure the arrest warrants. Because the indictment supporting 134

(9)

The ARREST WARRANT Number 2019-01-41
2010001. on the BACK of the indictment
2019-G.S. 4100088. The Trial Court erred
erred. When David Applicant requests
to a preliminary hearing and Dismiss
the Charges of the Warrant and
indictment."

(D)

Applicant Concerning and Challenges
the Trial Court Subject matter Juris-
diction of that the Trial Court failed
to provide Applicant with a prelimi-
nary hearing upon his request. The
Court despite Applicant requests
for the hearing. See. State vs.
McClure, 277 S.C. 432-289 S.E.2d 158
(1987) However, the Applicant also
states the indictment in this case
is invalid, and therefore, would not
cure the failure to provide the
Applicant with a preliminary hearing.
The Applicant Challenges sufficiency
of the indictment, in that it was not
presented in accordance with both
Carolina Constitution, the Applicant
concerning the indictment and the
failure to provide a preliminary hearing.

deprive the trial court of subject matter jurisdiction. And provide that the court committed clear error toward the applicant.

Subject matter jurisdiction.

(e)

The applicant also go to the trial court subject matter jurisdiction to hear the case and enter a judgment of conviction, the issues of subject matter jurisdiction may be raised at any time, and a judgment entered by a court lacking subject matter jurisdiction is void. See - Edward vs. State. 372 S.C. 493, 496, 642 S.E.2d 738, 739. (2007).

(F)

Applicant subject matter jurisdiction is that the court lacked jurisdiction based on its forcing applicant to accept advisory counsel at trial. And applicant was enforce to represent himself by the court rather than appointed a counsel after applicant fired his public defender counsel. After the court failure to appoint counsel. Then applicant chose to

(11)

Represent himself, once the Court
Failure to Appoint Counsel AFTER
the Applicant filed his public defender
counsel. At Trial, as the United States
Supreme Court has held Applicant
has a right to do under the Sixth
Amendment, *Faretta, vs. California*,
422 U.S. 806. (1975). However, over
Applicant Fajgett objections, the Trial
Court forced him to accept Advisory
Counsel to Assist Applicant Fajgett after
Fajgett filed the Counsel Bennett Ohio
public defender. who was inadequate
in Applicant Fajgett defense. While the
United States Supreme Court has not expressly
held that a violation of Faretta rights -
deprives the Court of subject matter
jurisdiction, the Court has treated other
Sixth Amendment violations as issues
of subject matter jurisdiction, "SEE"
Johnson, vs. Zerbst, 304 U.S. 458. (1938)
"finding failure to appoint Counsel deprived
Court of subject matter jurisdiction,"
Applicant Fajgett. Contention concerning
violation of his Faretta rights similarly
is based on his Sixth Amendment
rights and deprives the Court of
subject matter jurisdiction.

(12)

(G) Back to exhibit one (1) The Arrest Warrant # 2019A47010001. The Affidavit supporting the issuance of the enumerated Warrant were not notarized. Copies of the enumerated Warrant together with the supporting Affidavit are attach hereto as exhibit (1). Which show unsigned by the Charge officer "police" Jacquelyn E. Roberson. And J. D. Derrick who signature his names and for Jacquelyn E. Roberson. He has no first hand knowledge of the crimes. Because he was not actual present at the "Crime scene".

(H) That pursuant to the fourth Amendment of the Constitution of the United States as made applicable through the fourteenth Amendment of the Constitution of the United States "NO WARRANT SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION,"

(I) That because no person swore to the allegations contained in the supporting Affidavit before a Notary Public for the state of South Carolina, the enumerated Warrant are unsupported by "OATH OR AFFIRMATION."

(13)

The Applicant, Johnny Tyler Padgett, received ineffective assistance of Counsel at trial on May 21, 2019 inasmuch that Trial Counsel failed to participate in Applicant defense,

(J)

at Trial Counsel for the Applicant failed to perform the necessary skill and diligence needed to defend the Applicant at trial. Counsel refused to file pre-trial motions and Counsel refused to suppress the unsworn affidavit submitted by one of the arrest officers. Counsel failed to contest the validity of the affidavit submitted to the court, SEE Doty v. Boyd, 24 Sept 59, 46 S.C. 391 (S.C. 1996). A paper not showing on its face that it was signed before an officer — authorized to take oaths. And which was not signed by such officer, is not an "Affidavit." The affidavit submitted by the arrest officer was not signed by a S.C. Notary Public which was submitted to the trial. That was the reason the Applicant fired his public defender Counsel on May 21, 2019. Counsel put a ware of the unsworn affidavit in the month of February 19019. And in

(14)

In May 06, 2019. That the Charge officer submitted an unsworn Affidavit to the Court was not Authorized to Administer Oath. It was signed by the Charge officer, who arrested the applicant. But was not signed by a Notarized person to take the Oath. When asked or questioned concerning the unsworn Affidavit, the Charge officer indicated that it was indeed her signature."

(K) Before Applicant filed the public defender Council. he Bennett Case. Should have objected to the admission of the Affidavit, "boyd," failure of the officer to sign or certify an Affidavit is fatal." Here, the officer Authorized to Administer Oath has not signed the Affidavit used to uphold the conviction of the Applicant. Due to Trial Counsel's failure to request suppression of the unsworn Affidavit. And Counsel is required to provided the Applicant with the requisites of the due process Clause of the fourteenth and sixth Amendments upon representation. And Appointment of his Duties." And

(15)

Counsel enforced App^l Cant to filed this when he told App^l Cant he did not filed any motions Concerns the Unsworn Affidavit. he also inform App^l Cant he was not going to make NO Argument Concern App^l Cant preliminary hearing or the invalid indictment. The indictment did not Cure the Unsworn Affidavit because the indictment is supporting the Warrant and the Unsworn Affidavit that is because the indictment have the Arrest Warrant number on the indictment; and the state did not direct indictment App^l Cant.

(K) In *Streckland vs. Washington*, 466 U.S. 668 104 S.Ct 2052 (1984) the language of the Sixth Amendment has been adopted by the Court as a necessity or requirement of effective Assistance of Counsel, also the interpretive meaning of the fourth Amendment is mentioned to. The App^l Cant Fajett need only demonstrate the Denial of Another otherwise given or mandatory right and process that he has been denied in order to prevail on his claim of ineffective Assistance of

Counsel as due process is a Constitutional right well within the Confines of the U.C. Constitution And the United States - Constitution.

The process in which the Applicant is afforded stems from two components, (1) the effective assistance of counsel, and (2) requirement of an authorized, officer who is authorized to administer oath in support of an arresting officer, & affidavit. The latter of the two is - clearly demonstrated by the record before the court. And exhibits. The first of the two is clearly demonstrative, as the record does not show that counsel ever made consideration of the fact that the unsigned affidavit were being admitted into evidence at trial, and were used to arrest the applicant without oath or affirmation. Due process also entitles the accused the right to be heard regarding his defense to the allegations against him?

(M)

The arresting officer did not have the authority to arrest without the "sworn" or affirmation of the affidavit by an

(17)

~~officer Authority to arrest without the~~
 officer authorized to administer oath.
 The officer arrested the Applicant despite
 this issue being present. The act of
 the officer gives rise to another matter
 of subject matter jurisdiction issues,
 A. Court must establish jurisdiction over
 a matter before it can impose penalty
 or sentence, SEE: Funderburk, B. State
 Although the Applicant can raise this
 issue at any time, he has identified
 this issue and wishes that this court
 rule upon it in its proper format.

(2) Applicant public defender Counsel did not
 filed any motions related to the above
 statement or argument. It was necessary
 and honestly to filed the public defender
 Counsel Bennett Castro on May 21-2019.
 At the General Sessions hearing on this
 case and the court should have appointed
 another Counsel. Rather than having the
 Applicant represent his own defense
 Given Applicant no time to be prepare
 for trial or represent him self. If the
 Court have granted Applicant requests
 for preliminary hearing. ~~the court should~~

upon the undersigned Affidavit. The Applicant would not been in prison today on a 6th month's sentence. The Trial Court did in fact's abusing its discretion by failing to granted the Applicant requests for preliminary hearing on the Affidavit to the Arrest contained the allegations in the undersigned Affidavit attach to the Arrest Warrant. ~~2019/11/10/10001~~

(c) The Trial Court forced Applicant to handle his own defense by pro-se. There exists the probability that the Applicant was not legally sane at the period in which he invoked his *Faretta* right to represent himself, and the Circuit Court had a longstanding duty to enforce that the Applicant was AWARE of ALL the charges of self representation, SEE *Faretta v. California* 422 U.S. 806, 95 S.Ct. 2525. (1975) The United States Supreme Court has held that the Court is required to make the defendant AWARE of the charges of self-representation. "The Court is required to look into the

(19)

record to determine whether or not the accused possesses the knowledge of all circumstances of proceeding's process, or determine whether other facts show the petitioner had sufficient background or is apprised of his rights by some other source. SEE Fitzpatrick v. Wainwright, 800 F.2d 1057 (11th Cir. 1986). A look into the record demonstrates that the applicant has had sufficient work mental health facilities and that his prior commitment may have effected his full understanding of the process in which he had elected to take offence v. state, "A Criminal defendant who has little understanding and possessed a mental background was found insufficient to have known the danger of self-representation."

(2) The Trial Counsel ~~to~~ failed to file motion on the applicant's behalf concerning mental background. Also the trial court abusing its discretion by failing to continue applicant's trial when the court enforced the applicant to represent himself, and when he fired his public defender Bennett Case. Bennett Case!

(20) (C) This public defender Bennett
Costo was not in appellant's
favor before trial of the
case. He Defense Attorney Bennett
Costo did nothing to help me
to the appellant to the
DANGER self representation
ion & to defending himself
AT TRIAL.

(R) (1) Bennett Costo fail to file
such motion to dismiss
the arrest warrant or
(2) fail to get me preliminary
hearing. Those issues were
raised at trial. The Appellate
Defense Attorney Ruffins only
raised one issue (general
the Trial Attorney. This is
a possible losing issue)
general the Trial Atty or
Attorney AT TRIAL.

~~(Q)~~ The appellant pray that
this court order the
Appellate Defense Attorney
Adams S. Ruffins to raised

The main issues raised on the records see page of the court record p. 5.

The pretrial hearing on page (4) through page (5)

There's any technicality issue issues in the arrest warrant and the indictment is all

The (21) pages Brief of Appellate Concern Mr. Progett May 21-22-2019 Jury Trial.

Progett pray for relief the court order the Appellate Defense Attorney Thomas S. Ruffins to address those raised issues at trial in May 21-22-2019 by Appellate Progett.

July 10/2020 Respectfully Submitted
S. M. R. S. C. Anthony Tyler (Progett)
7/6/20

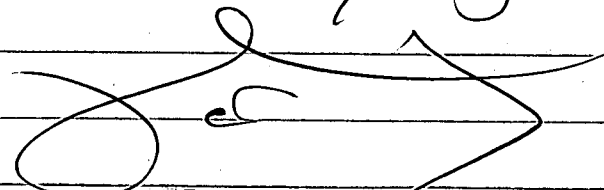
State of South Carolina
Respondent.

vs.

Johnny Tyler Buckett.

Appellant pro-se Appeal
Statement (13) pages. Date
May 23/2019.

Respectfully Submitted


Johnny Tyler Buckett
Appellant - pro-se

July 01/2020

State vs. Padgett
ARREST WARRANT

February 22, 2019 Page 1 of 51

2019A4120100001

STATE OF SOUTH CAROLINA

County/ Municipality of

Saluda

THE STATE 190100011T
against

Johnny Tyler Padgett

Address: [Redacted]

Phone: [Redacted] SSN [Redacted]

Sex: M Race: B Height: 6 Weight: 170

DL State: [Redacted] DL #: [Redacted]

DOB: [Redacted] Agency ORI #: SC0410100

Prosecuting Agency: Saluda Police Department

Prosecuting Officer: Jacquelyn E Roberson - S00149

Offense: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Offense Code: 0065

Code/Ordinance Sec: 56-05-0750(B)(1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Johnny Tyler Padgett on 1-10-2019

[Signature] Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 East Church Street, Suite 6
Saluda, SC 29138

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Saluda)

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Jacquelyn E Roberson who being duly sworn deposes and says that defendant Johnny Tyler Padgett did within this county and state on or about 1/9/2019 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Saluda) in the following particulars:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT:

Signature of Affiant

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Saluda)

Affiant's Address 101 S Jefferson St
Saluda, SC 29138-
Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/9/2019 defendant Johnny Tyler Padgett

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Saluda) as set forth below:

DESCRIPTION OF OFFENSE: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 1/10/2019)
Judge's Address 100 South Jefferson Street)
Saluda, SC 29138-)
Judge's Telephone (864)445-3522)
Issuing Court: Magistrate Municipal Circuit)

[Signature] (L.S.)
William Frank Partridge, Jr. J.F. Shults

Judge Code: -6952 5801

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

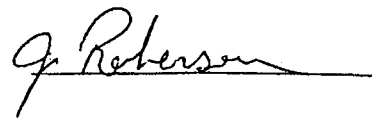
AFFIDAVIT

(STATE OF SOUTH CAROLINA)
(COUNTY OF SALUDA)
(MUNICIPALITY OF SALUDA)

Case# 190100011-T

PERSONALLY APPEARED BEFORE ME, OFFICER J. ROBERSON, WHO BEING DULY SWORN, STATES UNDER OATH THAT THE DEFENDANT, JOHNNY TYLER PADDGETT (DO [REDACTED] /1956)(A.K.A. JOHNNY CULBREATH), DID ON 01/09/2019, AT APPROXIMATELY 1919 HRS., FAIL TO STOP WHEN BEING SIGNALLED BY LAW ENFORCEMENT WITH BLUE LIGHTS AND SIREN. THIS INCIDENT BEGAN AT THE INTERSECTION OF BOUKNIGHT FERRY AND HIGHLAND AVENUE, WITH THE DEFENDANT TURNING ONTO BOUKNIGHT FERRY AND LEADING LAW ENFORCEMENT TO JUNIPER DRIVE, BACK TO HIGHWAY 178, TURNING THROUGH YARDS TO END UP ON BOUKNIGHT FERRY AGAIN, DOWN TO HARE STREET AND UP HARE STREET TO HIGHWAY 378, THEN TURNING ON HIGHWAY 378 AND BACK DOWN TO WATERS AVENUE, AND FINALLY BACK ONTO BOUKNIGHT FERRY, STOPPING AT BOUKNIGHT FERRY AND ROSENWALD STREET, ALL WITHIN THE TOWN OF SALUDA SOUTH CAROLINA. THIS IS IN VIOLATION OF SECTION 56-5-750 OF THE SOUTH CAROLINA CODE OF LAWS 1976 AS AMENDED.

56-5-750
FAIL TO STOP FOR BLUE LIGHTS



SWORN TO AND SUBSCRIBED BEFORE ME

THIS 10 DAY OF Jan, 2019

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

INDICTMENT FOR
Failure to Stop for Blue Light
§ 56-05-0750(B)(1)

At a Court of General Sessions, convened on February 2019, the Grand Jurors of Saluda County present upon their oath:

That **Johnny Tyler Padgett** did in Saluda County, South Carolina on or about January 9, 2019, willfully, knowingly and unlawfully fail to stop a motor vehicle, while driving said motor vehicle on a road, street or highway of this State when Jacquelyn Roberson, a law enforcement officer with the Saluda Town Police Department, signaled and sounded her siren and/or turned on her flashing blue light, and no great bodily injury or death resulted from said failure to stop, in violation of § 56-5-750 (B) (1), Code of Laws of South Carolina, 1976, as amended.

*SC COURT OF APPEALS
State vs. Padgett
2017-000902*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR.

ETH 1

STATE OF SOUTH CAROLINA
CITY OF SALUDA

IN THE SUMMARY COURT
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA

v.
Johnny Tyler Padgett
200 ROSENWALD ST
Saluda, SC 29138

Race B Sex M
Age
SSN# 000000000
DOB 7/6/1956
SID#

Defendant

Charges were disposed of in the court indicated below:

Magistrate Municipal

AKA

I, **William Frank Partridge Jr.**, Summary Court Judge, find that the below charge(s) under the jurisdiction of this Court was ended by dismissal, *nolle prossed*, or the defendant was found not guilty on **8/7/2019**, and the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed pursuant to §17-22-950 and/or sealed pursuant to §17-1-40 at no cost to the accused.

Warrant/Ticket/Courtesy Summons No. 6102P0441923 Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.
Arrest Charge Traffic / Failure to give or giving improper turn signal, stop signal, etc.

Warrant/Ticket/Courtesy Summons No. Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.
Arrest Charge

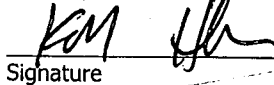
The charge(s) covered by this order **was not** dismissed or *nolle prossed* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, conditional discharge, or any other statutorily authorized diversion program operated by a solicitor's office. The dismissal did not occur at a preliminary hearing and the accused does not have charges pending in summary court and a court of general sessions that arise out of the same course of events.

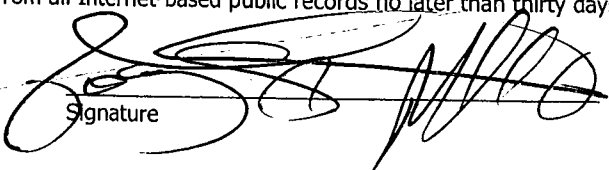
I find that §17-22-950 has been complied with as follows (check one):

- The defendant was fingerprinted.
- The defendant was not fingerprinted. The defendant has made application to the summary court for expungement pursuant to §17-22-950(B).

IT IS ORDERED that all records relating to such arrest or issuance of ticket or courtesy summons and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency, except for the following: arrest and booking record, associated bench warrants, mug shots, and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); pursuant to §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order. Criminal charges must be removed from all Internet-based public records no later than thirty days from the disposition date.

Jacquelyn E Roberson


Signature



Signature

Arresting Officer/Prosecutor/Affiant (Circle One)
(To Verify Accuracy of Disposition)

William Frank Partridge Jr.

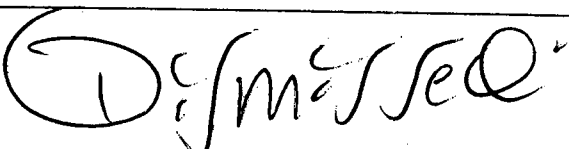
Printed/Typed Judge Name

Name of Defense Counsel and SC Bar # (if represented)

 #6957
Judge Signature and Judge Code

Signed this 11th day of September, 20 19

For SLED internal use only: Expunged by SLED by: _____ Date: _____



STATE OF SOUTH CAROLINA

COUNTY OF Saluda VS. STATE

Johnny Tyler Padgett

AKA:

Race: Black Sex: M Age: 62

DOB: 07-06-1956 SS#: 248-39-5147

Address: 106 Waters Ave

City, State, Zip: Saluda, SC 29138

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Failure to Stop for Blue Light

in violation of § 56-5-750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST: [Signature] 102696 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 6 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: 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 SCDOC.

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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED Attend Voc. Rehab. or Job Corp.

Payment Terms: 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, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Judge Code: 2765 Sentence Date: 5-22-2019

*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 (Public Def/Probation) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00 § 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3.75 3% to County (if paid in installments) \$

TOTAL \$ 128.75 Clerk of Court/ Deputy Clerk Sheri Coleran Court Reporter: Bethanie Creppan SCCA/217 (04/2018)

0-3 years or \$500+

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS4100058

A/W#: 2019A4120100001

Date of Offense: 1/9/2019

S.C. Code § : 56-05-0750(B)(1)

CDR Code #: 0065

SENTENCE SHEET

CONVICTED OF or PLEADS

ETH (2)

THE STATE OF SOUTH CAROLINA

v.

Johnny Tyler Padgett
200 Rosenwald St
Saluda, SC 29138

Defendant

AKA

Race B Sex M
Age
SSN# 000000000
DOB 7/6/1956
SID#

Charges were disposed of in the court indicated below:

Magistrate Municipal

I, **William Frank Partridge Jr.**, Summary Court Judge, find that the below charge(s) under the jurisdiction of this Court was ended by dismissal, *nolle prosequi*, or the defendant was found not guilty on **8/7/2019**, and the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed pursuant to §17-22-950 and/or sealed pursuant to §17-1-40 at no cost to the accused.

Warrant/Ticket/Courtesy Summons No. 6102P0441920 Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge DUS / Driving under suspension, license not suspended for DUI - 1st offense

Warrant/Ticket/Courtesy Summons No. Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge

The charge(s) covered by this order **was not** dismissed or *nolle prosequi* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, conditional discharge, or any other statutorily authorized diversion program operated by a solicitor's office. The dismissal did not occur at a preliminary hearing and the accused does not have charges pending in summary court and a court of general sessions that arise out of the same course of events.

I find that §17-22-950 has been complied with as follows (check one):

- The defendant was fingerprinted.
- The defendant was not fingerprinted. The defendant has made application to the summary court for expungement pursuant to §17-22-950(B).

IT IS ORDERED that all records relating to such arrest or issuance of ticket or courtesy summons and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency, except for the following: arrest and booking record, associated bench warrants, mug shots, and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); pursuant to §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order. Criminal charges must be removed from all Internet-based public records no later than thirty days from the disposition date.

Jacquelyn E Roberson

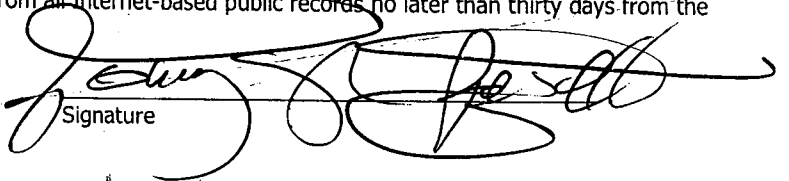

Signature

Arresting Officer/Prosecutor/Affiant (Circle One)
(To Verify Accuracy of Disposition)

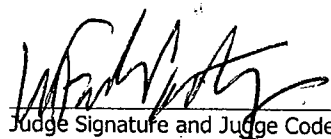
William Frank Partridge Jr.

Printed/Typed Judge Name

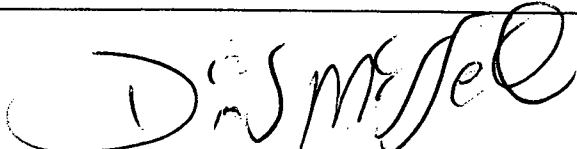
Signed this 11th day of September, 20 19


Signature

Name of Defense Counsel and SC Bar # (if represented)

 # 6952
Judge Signature and Judge Code

For SLED internal use only: Expunged by SLED by: _____ Date: _____



EH (3)

STATE OF SOUTH CAROLINA
CITY OF SALUDA

IN THE SUMMARY COURT
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA

v.

Johnny Tyler Padgett
200 ROSENWALD ST
Saluda, SC 29138

Race B Sex M
Age
SSN# 000000000
DOB 7/6/1956
SID#

Defendant

AKA

Charges were disposed of in the court indicated below:

Magistrate Municipal

I, William Frank Partridge Jr., Summary Court Judge, find that the below charge(s) under the jurisdiction of this Court was ended by dismissal, *nolle prosequi*, or the defendant was found not guilty on 8/7/2019, and the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed pursuant to §17-22-950 and/or sealed pursuant to §17-1-40 at no cost to the accused.

Warrant/Ticket/Courtesy Summons No. 6102P0441921 Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge Traffic / Uninsured motor vehicle fee violation, 1st offense

Warrant/Ticket/Courtesy Summons No. Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge

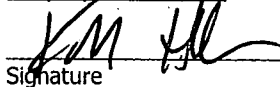
The charge(s) covered by this order **was not** dismissed or *nolle prosequi* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, conditional discharge, or any other statutorily authorized diversion program operated by a solicitor's office. The dismissal did not occur at a preliminary hearing and the accused does not have charges pending in summary court and a court of general sessions that arise out of the same course of events.

I find that §17-22-950 has been complied with as follows (check one):

- The defendant was fingerprinted.
- The defendant was not fingerprinted. The defendant has made application to the summary court for expungement pursuant to §17-22-950(B).

IT IS ORDERED that all records relating to such arrest or issuance of ticket or courtesy summons and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency, except for the following: arrest and booking record, associated bench warrants, mug shots, and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); pursuant to §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order. Criminal charges must be removed from all Internet-based public records no later than thirty days from the disposition date.

Jacquelyn E Roberson

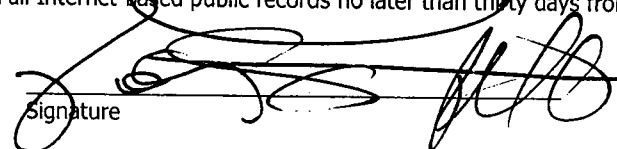

Signature

Arresting Officer/Prosecutor/Affiant (Circle One)
(To Verify Accuracy of Disposition)

William Frank Partridge Jr.

Printed/Typed Judge Name

Signed this 11th day of September, 20 19


Signature

Name of Defense Counsel and SC Bar # (if represented)

 # 6952
Judge Signature and Judge Code

For SLED internal use only: Expunged by SLED by: _____ Date: _____

Dismissed

EXHASE

STATE OF SOUTH CAROLINA
CITY OF SALUDA

IN THE SUMMARY COURT
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA

Johnny Tyler Padgett
200 ROSENWALD ST
Saluda, SC 29138

Defendant

AKA

Race B Sex M
Age
SSN# 000000000
DOB 7/6/1956
SID#

Charges were disposed of in the court indicated below:

Magistrate Municipal

I, **William Frank Partridge Jr.**, Summary Court Judge, find that the below charge(s) under the jurisdiction of this Court was ended by dismissal, *nolle prosequere*, or the defendant was found not guilty on **8/7/2019**, and the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed pursuant to §17-22-950 and/or sealed pursuant to §17-1-40 at no cost to the accused.

Warrant/Ticket/Courtesy Summons No. 6102P0441922 Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge Traffic / Operating or permitting operation of vehicle which is not registered and licensed.

Warrant/Ticket/Courtesy Summons No. Date of Arrest 1/9/2019 Place of Arrest City Of Saluda, S.C.

Arrest Charge

The charge(s) covered by this order **was not** dismissed or *nolle prosequere* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, conditional discharge, or any other statutorily authorized diversion program operated by a solicitor's office. The dismissal did not occur at a preliminary hearing and the accused does not have charges pending in summary court and a court of general sessions that arise out of the same course of events.

I find that §17-22-950 has been complied with as follows (check one):

- The defendant was fingerprinted.
- The defendant was not fingerprinted. The defendant has made application to the summary court for expungement pursuant to §17-22-950(B).

IT IS ORDERED that all records relating to such arrest or issuance of ticket or courtesy summons and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency, except for the following: arrest and booking record, associated bench warrants, mug shots, and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); pursuant to §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order. Criminal charges must be removed from all Internet-based public records no later than thirty days from the disposition date.

Jacquelyn E Roberson

[Signature]
Signature

Arresting Officer/Prosecutor/Affiant (Circle One)
(To Verify Accuracy of Disposition)

William Frank Partridge Jr.
Printed/Typed Judge Name

Signed this 11th day of September, 20 19

[Signature]
Signature

Name of Defense Counsel and SC Bar # (if represented)

[Signature] # 6952
Judge Signature and Judge Code

For SLED internal use only: Expunged by SLED by: _____ Date: _____

[Handwritten Signature]

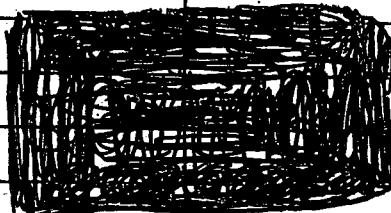
① of 13
Pages.

Copy [Signature]

The State of South Carolina
in the Court of Appeals.

Appeal from 11th Circuit
Court of Saluda County
General Sessions.

Honorable Judge, McLeod.

 Docket No. 2019 GS. 410058

Johnny Tyler Padgett 179791
Appellant.

vs.

State of South Carolina
Respondent

The Appellant will show
this Court the grounds for
this Appeal, and the Appellant
is Johnny Tyler Padgett 179791.
At age 64 years old being
held untried at the S.C.
Department of Corrections
at Kalkland Correctional
Institution at KCF R9E.

APPEALS COURT

THIS COURT HAS JURISDICTION OVER THE PARTIES AND THE CAUSE OF ACTION ASSERTED BY APPELLANT JOHNNY TYLER PADGETT

"JURISDICTION"

THIS COURT HAS JURISDICTION OF THIS CASE WITHIN ITS ORIGINAL JURISDICTION PURSUANT TO S.C. RULE OF APPEALS.

THIS COURT OF SOUTH CAROLINA HAS JURISDICTION OVER THE S.C. STATE VS. JOHNNY TYLER PADGETT 179791 S.C. APPELLANT.

"THE GROUNDS FOR APPEALS."

① ON THE MAY 20 21-22-2019. THE APPELLANT TRIAL ON THE ABOVE DATE THE APPELLANT DID DEMAND JURY TRIAL FOR THE CHARGE OF FAILURE TO STOP FOR POLICE BLUE LIGHT. ON THE JANUARY 9, 2019. PADGETT WAS ARRESTED BY THE CHARGE OFFICER MS. JACQUELYN E. ROBINSON. WHO WRITEN WARRANT AND ATTACHED AFFIDAVIT TO THE ARREST WARRANT ON THE JANUARY 10, 2019 JUDGE MS. LOUCE B. SHULTS, CODE 5801. WHO CAME TO PADGETT WITH WARRANT AND ATTACHED AFFIDAVIT TO THE

(3)

Warrant, which date on January
10/2019. The Charge submitted
an Affidavit attach to the
Arrest Warrant which was
not sign by a Notarized. Not
even the Judge Joyce B Shultz
Sign on the January 10, 2019
The Charge officer did
not sign the top face of the
Arrest Warrant on January
09, 2019. There was another
Law Enforcement officer did
sign the front face of the
Arrest Warrant, the Charge
officer is Jacquelyn E. Robinson
only sign the Affidavit out
of the present of the Notarize
she did not sworn the Allegation
Before a Notary public for
the State of South Carolina.
She did not sworn under
Oath that the facts in the
Affidavit are true. The
Documents has not been sign
by no such person. There NO
Notary public Seals on the
Attach Affidavit Date January
09, 2019 and January 10, 2019.
The magistrate Joyce B Shultz
written the date and month
year she believe the Charge
on January, the Charge is
Jacquelyn E. Robinson False

(4)

claims she did appeared before
the magistrate Judge Ms Joyce
By Shunk. She made false claims
in the witness stand and claims
she appeared before the judge
to sign the AFFIDAVIT on the
front face of the WARRANT,
ON JANUARY 10th 2019. She was
OFF DUTY that DATE 01-10-2019.
The Charge Officer Charge did
not comply with S.C. State Law.
All About UNDISWORN AFFIDAVIT
The Trial Judge Mr. Meleod. Failed
to Dismiss the indictment and
the arrest WARRANT on the May
20-21-22-2019. Padgett was found
guilty of Charge Failure to Stop
for Blue Light. IN Saluda City.
Saluda, S.C. -

ON the January 2019 Numbers of
times Padgett Ask His Court
Appoint Counsel Bennett Casto
to make a motion to the Court
to have the indictment and the
WARRANT to QUASH and DISMISS
the Charge Against the defendant
Padgett. Warrant Number. 2019A4120
10001. Failure to Stop for Blue
Light. the Court Appoint Counsel
Failed to do so. All he wanted
see that Padgett Be Convicted
the Counsel Casto did nothing
to help Padgett as His Client.

(5)

Counsel Bennett Casto fails to subpoena the magistrate Judge Mr. Joyce B. Shultz who issue the UNSWORN Allegations in the ARREST WARRANT And the UNSWORN AFFIDAVIT Attach to the Charge ON May 22-2019. The Judge Joyce B. Shultz were present at Padgett Jury Trial. Then she left the Courtroom. Whatever the Prosecutors told her. She left did not RETURN. The Counsel Bennett Casto and the Prosecutors did not want her testified. All concern the UNSWORN Charge submitted to the Court on May 20-21-23-2019. Padgett was found guilty by Jury Trial without question. The witness magistrate Judge Mr. Joyce B. Shultz who signed WARRANTS And AFFIDAVITS FOR LAW ENFORCEMENT CHARGES OFFER

(2) Padgett, told Judge McLeod. Who heard the evidences and motion made by Prosecutors and Padgett. The Judge Denied Padgett motion which is dated on May 06-2019. on January 21-22-23-2019 to quash and Dismiss the Charge

(6)

Padgett Argued to the Court he did not receive preliminary hearing at this request, the prosecutor said the state has an indictment defendant does not need a preliminary hearing. The Court denied Padgett request Padgett did sign up for preliminary hearing the magistrate judge NEVER call Padgett to a hearing he requests preliminary hearing on the charge fail to stop for Blue light of a law enforcement OFFICER Padgett was violations under Due process clause and his Constitutional Rights was serious violation by the Court and his Attorney Bennett Costo. At Trial.

(3) At Trial Padgett fired his Counsel Bennett Costo. he fail to do his job to protect Padgett right in Court. After Padgett fired his Attorney the Court appoint Bennett Costo, as Co-Counsel second Chair Advisor to the Appellant Padgett, Padgett told the Court he did not want Counsel to be appointed as second Chair Counsel. Because Counsel Miss Johnson Padgett at Trial Padgett was unrepresented by Counsel Bennett Costo. Padgett was forced to accept

①

Adverse Counsel Mistake Him
IN HIS Defense, the Court Did
not provided Padgett enough time
to be prepared in HIS defense

④ The Appellant is guilty for a
Serious Law Violation for fail
to stop for Blue light.

⑤ But Padgett was denied the right
to preliminary hearing and
HIS requests the General Session
ignored Appellant Padgett motion
to quash and dismiss the
indictment, yet in Padgett -
motion date may 6. 2017. Padgett
said that Briefly that he was
denied preliminary hearing.
Padgett said that in view of
the Court on may 22-23-2017.
General Session ignored HIS
motion. And denied HIS motion

⑥ The Action of the magistrate
Judge in transferring the
case to the Court of General
Sessions without preliminary
hearing, without warrant of
law. That the Court of General
Sessions had no jurisdiction
and the indictment based
on Padgett motion the warrant
and indictment should have

(6)

Been quash and d. smitt. as Padgett motion states. it would seem; WARRANT # 2019A412010001. A-D indictment # 2019G54100058. the indictment have its date Padgett That Padgett was indictment by the Grand Jury 2-25-2019.

(7)

the AFFIDAVIT supporting the issuance of the enumerated WARRANT were not Notarized. Copy of the enumerated warrant together with Padgett motion

(8)

That pursuant to the fourth amendment of the Constitution of the United States as made applicable through the fourteenth Amendment of the Constitution of the United States NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION."

(9)

That because NO person sworn to the allegations contained in the Suppeticus AFFIDAVIT before Notary Public, for the State of South Carolina, the enumerated WARRANT 2019A412010001. are unsupported by OATH or AFFIRMATION on the date served upon appellant Padgett, and Padgett UNLAWFUL CONVICTION

(9)

During the course of Appellant Padgett Trial by Jury, Padgett didn't have NO CHOICE to represent himself. He was VIOLATIONS IN SELF REPRESENTATION OF REPRESENTED OFF'S OWN DEFENSE, Padgett informed Counsel Bennett COSTO OF HIS DECISION TO PROCEED PRO-SE, THE COURT ONLY ASK FEW QUESTIONS NO BACK GROUND OF HIS EDUCATIONS WHETHER HE ABLE TO REPRESENTAL HIMSELF

(10) The Trial Court Abused its discretion by FAILING TO FOLLOW FAROTTA IN DANGER SELF REPRESENTATION AND FAILURE TO APPOINT ANOTHER ATTORNEY TO REPRESENT PADGETT, Appellant was not prepared to handle off's Defense.

(11) Appellant Johnny Tyler Padgett who is BLACK male Very low Education Padgett who is at age 64. who was TRIAL BY JURY on May 20 23-2019. PADGETT WAS FOUND GUILTY AS CHARGE on May 23/2019. Judge ~~pleased~~ Sentence Padgett to prison imposed Sentence of 6 months in S.C. Department of Corrections.

(12) And Now Padgett appealing his Sentence and Conviction TO S.C. Court of Appeals for

(10)

Appeal Release from the imprisonment and for reliefs and request that this Court granted the reliefs sought.

Grounds for reliefs:
Pudgett Pray...

① Denied preliminary hearing.

② Charge Officer submitted unsworn Affidavit

③ Magistrate Judge failure to sign warrant attachment Affidavit supporting the charge.

④ The Court fail to granted Pudgett motion to quash and dismiss the warrant and the imprisonment once the Court was aware the charge were unsupported by Oaths or Affirmation.

⑤ Court enforced Pudgett to proceed pro-se. Danger self representation

⑥ Appellant Ask this Court to Appoint a Attorney to help him with this Appeal. Because the condition of the prison confinement inmates lock down.

(11)

And Appellant Padgett have NO ACCESS TO LAW BOOKS. OR COPIES LAWS FOR SUPPORTS HIS APPEAL. IT IS NECESSARY TO REQUEST A APPOINTMENT OF COUNSEL. "

(8) Padgett. leave open for Amended his Appeal from the records of his Jury Trial. May 20. 23 2019. Saluda County S. C. Circuit Court,

(9) Padgett Ask this Court to set aside his Conviction and sentence.

(10) The situations in which Padgett found himself being unfairly stated in his way habe by the Court. The records of the Court show all legal and due process clause was violations, Appellant being unlawful in prison.

Padgett pray for the above relief. Request demanded for further proceedings

(1) Copy of the Arrest Warrant 2019A41201001 with its Affidavit Attach UNSUPPORTING BY OATH OR AFFIRMATION. (2) Copy of the Indictment supported the Arrest Warrant Number 2019A41201001.

(12)

And the Indictment Number 2019.
G.S. 410052.

Pradgett is an inmate at the
S.C. Department of Corrections.
held at Kirkland Correctional
Institution here in Columbia
S.C. on Broad River Road.
Service #2 sentence of term
of (6) months. Failure to stop
for blue light. of a law enforce-
ment LAW OFFICER JACQUELYN E.
ROBINSON. SAKDA City Police,

Pradgett pray for
reliefs and Appoint
Counsel. ALSO I have
open for Amended.
States relief above,

Respectfully Submitted

MAY 23/2019.
Columbia, S.C.

Johnny Tyler Pradgett

SCDC #17979. KCI
4344 Broad River Road,
Columbia, S.C. 29210

(13)

Appellant: Johnny Tyler Padgett.
vs. State of SC Respondent.
Listed of

Enclosed

Evidence

Which was Denied By
The General Sessions

Court of Saluda County

By Judge McLeod, on

May 20-23 2017. And

Other Filed in the Record.

① Copy of Appellant Warrant.
Date January 9 2017.

② Copy of Appellant Indictment,
Date February 2017.

③ Copy of Appellant motion
Date May 6 - 2017.

And other files in the records.

④ Appeal of the ORIGINAL Appeal.

And all reply to be filed on
Appellant Padgett behalf.

May 23/2017. S/ Johnny Tyler Padgett.
Johnny Tyler Padgett.

FROM:

Johnny Tyler Fradyett
pro-se Counsel
124 Bowknight Ferry Road.
SAUCIA,
South Carolina
29138

TO:

Ms. CHARA Allen
Deputy Clerk of
Court. S C Court
of Appeals.
P.O. Box 11629.
Columbia S.C. 29211.

RECEIVED
JUL 20 2020
SC Court of Appeals

Chara Allen
July 16 2020