

RECEIVED

OCT 02 2020

SC Court of Appeals

STATE of SOUTH CAROLINA

In THE Court of APPEAL

APPEAL from CHARLESTON COUNTY

HONORABLE CHARLES W. WHITSTONE, NINTH JUDICIAL CIRCUIT

CASE NO. 84632

Jerome Poolson

APPELLANT

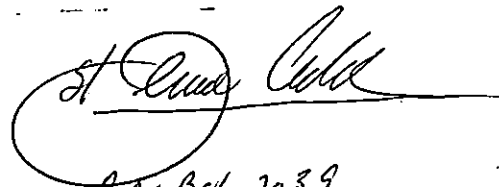
- vs -

STATE of SOUTH CAROLINA

RESPONDENT

NOTICE

The defendant appeals the 6/20/17 order that the defendant's 1970 convictions are most serious which would result in the imposition of a mandatory life sentence if he is convicted in this case, issued by the Honorable Charles W. Whitstone, Chief Judge for Administrative purposes. (see attached order)



PRO BONA FIDE

ROSELAND, S.C. 29530

INDEX

INDEX ----- 1

ISSUE PRESENTED ----- 1

DISCUSSION ----- 1

STATEMENT ----- 2

APPEAL ----- 3

The Administrative law judge erred in not finding

the proceeding void. ----- 3

CONCLUSION ----- 3

ISSUE PRESENTED

ISSUE

Did the Administrative Judge error in not finding the proceeding void?

DISCUSSION

BECAUSE the prosecution failed to convict the defendant for assault with intent to commit 2nd degree CSC rendered any subsequent proceedings void.

STATEMENT

on 5/16/87 Clerk attested to entry by state prosecution of the decision to nolle prosequi indictment no 87-65-10-0193 for assault with intent to commit 2nd degree CSC (see attached marked exhibit "A"), thereafter the data relevant to the work of the Court was secreted (see NCIC report attached marked exhibit "B"), impairing the defendant's defense against subsequent indictments for (ABWIK) and Kidnapping.

ARGUMENT

This Court has held that all proceedings following an entry of nolle prosequi are void because the indictment was no longer valid. State vs. Charles 183 S.C. 188, 199, 190 S.E. 466, 470 (1987).

~~Pursuant to S.C. Code Ann. § 14-17-325 every Clerk of Court shall report the disposition of each case in the Court of General Session to the State Law Enforcement Division within thirty days of disposition.~~

CONCLUSION

For the foregoing reason, as a matter of law the Trial Court should grant a motion to dismiss the subsequent charges.

S/ James Cudd
P.O. Box 2039

ROSELAND, S.C. 29986

STATE of SOUTH CAROLINA

In the Court of APPEALS
Appeal from Charleston County

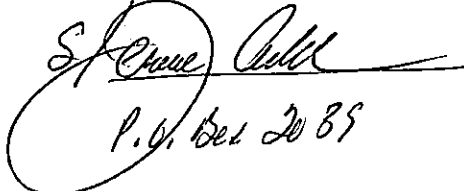
HONORABLE CHARLES W. WHITEBROOK, NORTH CAROLINA

CASE NO. 84682

Certificate of Service

The undersigned hereby certify that a true and complete copy of notice of appeal, attachment, and order has been served this 28th day of Sept. 2020 by depositing the same by inter-agency mail address to:

Clerk's office 100 Broad St. Charleston, S.C. 29401


P.O. Box 2089

AZOGELOW, S.C.

29936

LEGAL MAIL

State of South Carolina
To THE Court of APPEALS
APPEAL FROM CHARLESTON COUNTY

HONORABLE CHARLES W. WILKESHADE, SOUTH CIRCUIT

Case no. 84632

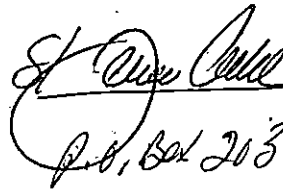
RECEIVED

OCT. 02 2020

SC Court of Appeals

I herewith adduce and affirm that original notice of Appeal
Attachment, order and Certificate of Service has been filed
this 28th day of September 2020 by depositing the same by inter-
agency mail address to:

Office of Clerk 1015 Sumter St. P.O. Box 11624, Colo., S.C. 29211



P.O. Box 2034

MOGELAND, S. C. 29936

SECURE ADDRESS 243 778 G-A-19

P.O. Box 2039

RIDGE LAW D, S.C. 29936



02 1P

0000879463

\$ 000.80⁰

SEP 29 2020

MAILED FROM ZIP CODE 29936

RIDGELAND CORRECTIONAL
INSTITUTION

SEP 29 2020

Mailroom

Office of Clerk

1015 Sumner Street

P.O. Box 11629

Columbia, S.C. 29211

RECEIVED

OCT 02 2020

SC Court of Appeals

LEGAL MAIL

2921131629 8012

