

LEGAL MAIL
MAIL ROOM

ENCLOSED ARE A LIST OF EXHIBITS FROM PETITIONER
IN RESPONSE BACK TO THE ORDER, DATE 5/22/2020
APPELLATE CASE No. 2020-000241

1. INDICTMENT - DISTRIBUTION OF CRACK COCAINE. 2006-CS-32-3494
2. INDICTMENT - 2006-CS-32-3491 - DISTRIBUTION OF CRACK COCAINE
NEAR PROXIMITY OF SCHOOL.
3. LIFE WITHOUT PAROLE NOTICE.
4. REPORT OF LEXINGTON COUNTY GRAND JURY. 3 pgs
5. STATE V. POWERS. Supreme Court of South Carolina. Jan. 5, 1901.
6. GRANTHER V. UNITED STATES, 413 F.2d 1061 (1969)
7. SOUTH CAROLINA CASE LAW - STATE V. MEANS, 367 SC 374 (2006) Page 6 of 10
8. UNITED STATES V. BULLOCK, 448 F.2d 728 (1971).
9. STATE V. BENNETT, 185 SE 2d 147
10. STATE V. BISSETTE, 108 SE 2d 858
11. STATE V. MARENDALE, 189 SE 2d 549
12. ARGUMENTS - 2 pgs
13. MOTIONS #3 - FILE DATE - 2007-FEB-14
14. GROUND ONE OR TWO - PG-1 of 6
15. ARGUMENTS - PG-1 of 4

RECEIVED

OCT 21 2020

S.C. SUPREME COURT

THE SUPREME COURT of South Carolina

STANLEY ZOLSOV, PETITIONER

V.

STATE of South Carolina, RESPONDENT.

APPELLATE CASE No. 2020-000241

RECEIVED

OCT 21 2020

S.C. SUPREME COURT

PETITIONER FILED A NOTICE OF APPEAL FROM THE DENIAL OF HIS "THIRD" APPLICATIONS, FOR POST-CONVICTION RELIEF (PCR) NOT "FOURTH" APPLICATIONS, 2010-CP-32 - 2014-CP-32 - AND 2018-CP-32. PETITIONER HAS PROVIDED EXPLANATION, REQUIRED BY RULE 243(C). PETITIONER DID GIVE ARGUABLE BASIS SHOWING DISMISSAL OF THIRD PCR APPLICATION WAS IMPROPER.

PETITIONER DID SUBMIT HIS ARGUABLE BASIS THAT HIS APPLICATIONS SHOULD NOT AND WAS IMPROPERLY DISMISSED, THE NOTICE OF APPEAL "SHOULD NOT" HAVE BEEN DISMISSED.

ENCLOSED, ARE COPIES OF PETITIONERS ARGUMENTS WHICH ARE CONSTITUTIONAL VIOLATIONS, WHICH GUARANTEED TO PETITIONER AND SHALL NOT BE VIOLATED. THERE'S SUBJECT MATTER JURISDICTION, ISSUES. WHICH CAN BE RAISED AT ANYTIME EVEN IN SUPREME COURT.

IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS, STATUTE- 17-27-80.

PETITIONERS, FIRST AND ORIGINAL PCR APPLICATIONS, 2010-CP-32-

THERE'S MORE THAN THIRTY FIVE (35) ISSUES THAT "WAS NOT" PLACED IN THE ORDER OF DISMISSAL.

WHICH IS A MATTER OF PUBLIC RECORD.

WHICH ARE CONSTITUTIONAL VIOLATIONS, THATS GUARANTEED TO PETITIONER, BY THE SOUTH CAROLINA CONSTITUTION, AND THE UNITED STATES CONSTITUTION.

THE COURTS ARE DEPRIVING PETITIONER OF THE BEST INHERITANCE OF MY LIFE, THE LAWS OF THE LAND. THE CONSTITUTION OF THE LAND.

THESE ARE THE REASONS, WHY PETITIONER (SHOULD NOT) BE RESTRICTED, AND, SHOULD BE ABLE TO ADDRESS THE COURTS. UNDER HIS FIRST AMENDMENT CONSTITUTIONAL RIGHTS.

THERE ARE THREE MOTIONS, STILL PENDING BEFORE THE VERMONT COUNTY, GENERAL SESSION COURT, SINCE FEBRUARY 14TH 2007.

PRO-SE MOTIONS, CONCERNING THE 06 INDICTMENTS/AND THE IMPROPER GRAND JURY/ AND, INSPECTION OF GRAND JURY IMPALAMENT DOCUMENTS. BEFORE THE JURY WAS DRAWN AND SWORN, IN APRIL OF 07

WHICH LEFT THE COURT WITHOUT JURISDICTION, TO PROCEED FORWARD TO TRIAL. THESE MOTIONS HAS (NEVER) BEEN ADJUDICATED AS OF TODAY.

THIS ALONG IS GROUNDS FOR RELIEF, AND FOR PETITIONER NOT TO BE RESTRICTED FOR FILING PAPERS AND PETITION AND ADDRESS THE STATE AND FEDERAL COURTS.

PETITIONER IS ILLEGALLY AND WRONGFULLY CONVICTED. PETITIONERS TWO (2) PRIOR CONVICTIONS ARE INVALID AND VOID, AND NON-VIOLENT.

2010-CP-32. ORIGINAL PCR HEARING, IN VIOLATION OF PETITIONERS RIGHTS, PURSUANT TO STATUTE-17-27-80 AND 17-27-90.

WHEREAS, ALL ISSUES AND ARGUMENTS (MUST) BE RULE UPON SPECIFIC AND INDIVIDUALLY OR PETITIONER'S CASE, SENTENCE AND CONVICTIONS (MUST) BE REVERSED AND A FULL HEARING (MUST) BE ORDERED.

3 of 4

STATE V. MEANS, 626 SE 2d 348

McCULLOUGH V. STATE SE. 2d

MODER V. UNITED STATES, 62 F. 2d 462

CLARKINS V. KENTUCKY, 112 F. 2d 189, (DC. LOU. 1037).

MARLAR V. STATE, (SC. APP. 2007) 644 SE 2d 769

653 SE 2d 266

CONCLUSIONS.

PETITIONER SHOULD BE GRANTED, PERMISSION TO FILE PLEADINGS,
GRANTED A HEARING, AND RELIEF IN THIS MATTER. THERE SHOULD NEVER
BEEN RESTRICTIONS IMPOSED.

OCTOBER 19TH, 2020

cc: file

WILLIAM L. MORGAN, ESQUIRE

JUSTICE BENTLEY C.J.

JUSTICE KETTERIDGE C.J.

JUSTICE HERMAN J.

JUSTICE FEW J.

4 of 4

Respectfully,

4 Stanley Johnson

Stanley Johnson - Pro-SE

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OCT 21 2020

S.C. SUPREME COURT

PROCEDURAL CHALLENGES TO THE INDICTMENT
"MUST" BE RAISED BY MOTION BEFORE TRIAL.

RULE 12 (b) 2 FED. RULES. CRIM. P.

RULE 12 (b) (3) PROVIDES THAT MOTIONS
OF THE TYPE (SHALL) BE MADE BEFORE
THE PLEA IS ENTERED.

BUT THE COURT MAY PERMIT IT TO BE WITHIN
A REASONABLE TIME THERE AFTER.

McGILL V. UNITED STATES, 348 F2d 791

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

INDICTMENT FOR
DISTRIBUTION OF CRACK COCAINE

§44-53-375

At a Court of General Sessions, convened on OCTOBER, 2006, the Grand Jurors of Lexington County present upon their oath:

That Stanley Golson did in Lexington County on or about May 25, 2004, knowingly and intentionally, willfully and unlawfully sell, distribute, cultivate, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State, possess with intent to distribute or was knowingly and intentionally in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of Crack Cocaine, a controlled substance under provisions of § 44-53-110, et. Seq. Code of Laws of South Carolina 1976, as amended, in violation of § 44-53-375, Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

EXHIBIT - A

DOCKET NO. 206-GS-32-3991

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2006

THE STATE
vs.
Stanley Golson

WITNESSES

LCSD Lexington County Multi-Agency
Narcotics Enforcement Team
Burke, M

A-2006-32-02152 9/25/2006 3:47 PM

ARREST WARRANT NUMBER

H500829

TRUE BILL

ACTION OF GRAND JURY

Bang A Lucas

Foreperson of Grand Jury
Date: 6/20/06

VERDICT

GUILTY

Robert Williams 4/11/07
Foreperson of Petit Jury Date:

CDR#

Indictment for

Distribution of Crack Cocaine within Proximity
of School

§44-53-445

DONALD V. MYERS, SOLICITOR

EXHIBIT-3

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Distribution of Crack Cocaine within Proximity of School

§44-53-445

At a Court of General Sessions, convened on OCTOBER, 2006, the Grand Jurors of Lexington County present upon their oath:

That Stanley Golson did in Lexington County on or about May 25, 2004, knowingly and intentionally, willfully and unlawfully sell, distribute, cultivate, manufacture, deliver, or bring into this State, or did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, or bring into this State, possess with intent to distribute or was knowingly and intentionally in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of crack cocaine a controlled substance while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school or a grounds of a public or private playground or park or a public vocational or trade school or technical education center or a public or private college or university, to wit: Lakeview Alternative School, in violation of § 44-53-445, Code of Laws of South Carolina, 1976, as amended.

A TRUE COPY
[Signature]
Lex. Co. C.C.O.P., G.S. & F.C.

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

[Signature]

ASSISTANT SOLICITOR

Exhibit-3

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON
COURT OF GENERAL SESSIONS

FILED

vs.

2007 MAR -2) 3:43

Stanley Golson

LIFE WITHOUT PAROLE NOTICE

BETH A. CHAMBERLAIN
CLERK OF COURT
LEXINGTON, S.C.

WARRANT #s H-500824-H-500831

This is to hereby serve as notice to Stanley Golson and his attorney, Josh Kendrick, of the State's intent though it's attorney, Kent Collins, to seek Life Without Parole in the case of State of South Carolina vs Stanley Golson, pursuant to section 17-25-45 of the South Carolina Code of Laws. The State intends to rely upon the following convictions and any such other convictions so discovered to statutorily enhance punishment:

- 1) Distribution of Crack Cocaine v number 93-GS-32-1794
- 2) Distribution of Crack Cocaine v indictment 93-GS-32-1797
- 3) Distribution of Crack Cocaine v number 93-GS-32-1799
- 4) Distribution of Crack Cocaine v number 93-GS-32-1802
- 5) Distribution of Crack Cocaine v number 93-GS-32-1804
- 6) Distribution of Crack Cocaine v number 93-GS-32-1806
- 7) Distribution of Crack Cocaine w number 93-GS-32-1808
- 8) Distribution of Cocaine with in 02-GS-32-727

STATE V. BECK, 286 SE 2d 234
(W. Va. 1981)

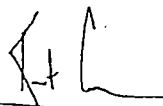
STATE V. MILLER, 400 SE 297
(W. Va. 1990)

STATE V. KELMER, 808 SE 2d 867
(W. Va. 2017)


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Pleading to each of these offenses constitutes a strike/serious offense under 17-25-45.

Mr. Golson is currently charged with four counts of Distribution of Crack Cocaine and four counts of Distribution of Crack Cocaine within Close Proximity of a School. A conviction for any of these will be his third strike/serious offense.


Kent Collins
Assistant Solicitor
11th Judicial Circuit
attachments

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.C.

COPIES

EXHIBIT - C

COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, S.C. 29072

TELEPHONE: 803-785-8212

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

FAX: 803-785-8314

EXHIBIT-D

BETH A. CARRIG
CLERK OF COURT

Stanley Colson

We have received your inquiry:

- Your charge is: Pending Dismissed Bench Warranted A Conviction
- Your charge(s) on file here have been faxed to SCDC, they clear up detainers.
- Your Motions must be filed through your attorney.
- A copy of all enclosed has been forwarded to:
 Your Attorney The Solicitor's Office The Public Defender's Office
Please contact that office our your attorney to inquire about your case.
- For matters concerning PCR's, Please contact the Attorney Generals Office at: (803)734-3737.
- In order to obtain a transcript, write to S C Court Administration at 1015 Sumter Street, Suite 200, Columbia, SC 29201. You need to have the case number, Judge's name, and date of trial. Any questions call: (803) 734-1800.
- This office cannot help you in this matter.
- SCDC calculates credit for time served.
- This office does not provide: Legal Advise Legal forms
- There is no record of warrant # _____ for _____
_____ on file in this office. You need to contact the arresting agency.
- You need to contact the charging agency to get pending warrants served on you.
- Please speak to an attorney.
- Other: There are no minutes, this is the only
information we have.

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON)

IN RE:)
REPORT OF LEXINGTON)
COUNTY GRAND JURY)

We, the undersigned members of the Grand Jury, do hereby certify that the Grand Jury met on 6 Nov 06 and that at least twelve (12) members of the Grand Jury affirmatively voted for the issuance of a true billed indictment in each and every case on the attached list unless otherwise noted.

Bang A Lucas
Foreman (or Acting Foreman)

10

Jeannette Voge
2

11

Pat Ellis
3

12

Jenni Chapman
4

David Mox

13

Mary K. Shumperst
5

Patricia A. Morse

14

6

Jan L. Wain

15

Anne Duvette
7

Patsy McMan

16

Chk [Signature]
8

[Signature]

17

Kelley Derrick
9

[Signature]

18

Lexington, South Carolina

A TRUE COPY

[Signature]

Lex. Co. C.C.C.P., O.S. & E.C.

EXHIBIT

Name of Defendant

Indictment	CDR#	Last	Descriptio Code of L: Bill	comment
H500831		Golson	Stanley Distribution	TRUE
H500830		Golson	Stanley Distribution	TRUE
H500829		Golson	Stanley Distribution	TRUE
H500828		Golson	Stanley Distribution	TRUE
H500824		Golson	Stanley Distribution	TRUE
H500825		Golson	Stanley Distribution	TRUE
H50826		Golson	Stanley Distribution	TRUE
H500827		Golson	Stanley Distribution	TRUE

EXPORT.

A TRUE COPY
[Signature]
Tex. Co. U.C.C.P. 08 07

the risk he assumed by reason of defective appliances, we must have evidence to fix liability, so that we shall not grope in the dark. We cannot bend the law to meet particular cases from motives of sympathy or pity. Finding no error in the action of the circuit court in directing a verdict, we are compelled to affirm the judgment.

STATE v. POWERS.

(Supreme Court of South Carolina. Jan. 5, 1901.)

CRIMINAL LAW—HOMICIDE—INDICTMENT—CONCLUSION—VALIDITY—DETERMINATION—GRAND JURORS—ORDER FOR VENIRE—VALIDITY—CIRCUIT JUDGE—JUDICIAL NOTICE OF AUTHORITY—COUNTY COMMISSIONERS—PREPARATION OF JURY LIST—AUTHORITY—INSTRUCTIONS—REPETITION—REFUSAL—DEFINING REASONABLE DOUBT.

1. Cr. St. § 38 (2 Rev. St. 1893, p. 274), provides that the clerk of the court shall, at least 15 days before the first term of court in each year, issue a venire for 18 grand jurors during that year, and until another jury is impaneled in their stead. The amendatory act of 1897 (22 St. at Large, p. 419) strikes out that section, and inserts in lieu thereof a provision that, at the last term of the general sessions for each county in 1897, 6 of the jury "then in service" shall be drawn to serve during the next succeeding year, and makes it the duty of the clerk in 1898 and each succeeding year, not less than 15 days before the first term in the year, to issue a venire, returnable thereto, for 12 grand jurors, who, together with the 6 before provided for, shall be held to serve throughout the year, and until another jury is impaneled. Besides, the act of 1897 only repeals acts and parts of acts inconsistent with it. *Held*, that the court, acting under such act at the last term of the year 1899, properly ordered a venire for 18 jurors, instead of 12, to act during the succeeding year, after having properly quashed the venire issued in January prior thereto; Const. art. 5, § 22, which is mandatory, expressly declaring that the grand jury of each county shall consist of 18 members.

2. On an appeal questioning the legality of an order made pursuant to the act of 1880 by a nonresident circuit judge to the board of jury commissioners of the county for which the court was sitting, to proceed to draw jurors, judicial notice will be taken of the fact that at the time the order was granted he was holding court for the county in question, "pursuant to the provisions of the law of this state," and hence had full power to grant an order, under Rev. St. 1893, § 2248, providing that "every judge while holding the circuit court for any circuit, pursuant to the provisions of the law of this state, shall be invested with powers equal to the judge of such circuit, and may hear and determine all causes and motions and grant all orders," etc.

3. It is no objection to an order under the jury act of 1880 that it was directed to the board of jury commissioners, and not to the clerk or the county board of commissioners, as the act (section 2400) expressly requires the circuit judge "to issue his order to the board of jury commissioners," and the order expressly required the clerk to serve a certified copy of the order on the county commissioners of the county in question.

4. In determining the validity of an indictment objected to on the ground that it was found by an unlawfully drawn grand jury, it is immaterial whether the venire was served on the jury commissioners, if it appears that all the commissioners appeared at the time and place appoint-

ed for the purpose, and participated in the drawing.

5. In determining the validity of an indictment, it is immaterial whether the sheriff's return shows that the jurors drawn were duly summoned, if it does not appear that one of the persons drawn to serve failed to attend.

6. The fact that Acts 1896, §§ 1, 2 (22 St. at Large, p. 16), amending Rev. St. §§ 2375, 2376, and imposing on the board of county commissioners, as then constituted, the duty of preparing an annual list of jurors as therein prescribed, is repealed by section 9 of the act of March 6, 1899, does not strip the board as thereafter constituted, under Act Jan. 12, 1899 (23 St. at Large, p. 1), of authority to select and make up the annual jury list, since section 10 of the act of March 6th declares that the board shall have the same rights and duties with reference to the preparation of jury lists as are now devolved by law on the present boards.

7. A count for murder, concluding with the words "against the peace and dignity of the same state aforesaid" complies with the requirement of the constitution that it shall conclude with the words "against the peace and dignity of the state," since the additional words cannot possibly alter the meaning of those required, which are included therein, and they must be regarded merely as surplusage.

8. Where the jury have been charged to give the accused the benefit of every reasonable doubt, and the court, in refusing to charge that, "should a reasonable doubt be entertained by one juror, the defendant cannot be found guilty," said, "I won't charge that in those words, but I charge you that as I have already charged you in my own language," the response must be taken to mean the same as the request; and, the charge given being equivalent to that requested, error cannot be predicated on the refusal.

9. No error can be predicated on the refusal to define a reasonable doubt as "an impression, after a full comparison and consideration of all the evidence, that does not amount to a certainty that the charge against the accused is true," since the word "certainty" therein is unqualified by the terms "reasonable and moral."

Appeal from general sessions circuit court of Anderson county; R. C. Watts, Judge.

W. K. Powers was convicted of murder, and he appeals. Affirmed.

The following are defendant's grounds of appeal: "(1) Because his honor erred in refusing defendant's motion to quash the venire for grand jurors, when it appeared that said venire, on its face, called for the drawing of eighteen grand jurors, instead of twelve, as provided by law. (2) Because his honor erred in refusing the motion to set aside the panel of grand jurors and to quash the indictment when it appeared from an inspection of the original writ of venire that there was no return of the sheriff that said writ had been served upon the jury commissioners, and when it appeared that there was no proper evidence that the grand jurors named in the panel of the writ had been duly summoned. (3) Because his honor erred in refusing defendant's motion to quash the indictment because the bill of indictment was found by an unlawfully selected and drawn grand jury, and is therefore void, for the following reasons: First, under the law the present grand jury should be composed of six of the last panel of the grand jurors, selected and drawn as the law directs, and

EXHIBIT - E

413 F.2d 1061 (1969)

Tyrone GAITHER, Appellant,

v.

UNITED STATES of America, Appellee.

Charles TATUM, Appellant,

v.

UNITED STATES of America, Appellee.

Nos. 21780, 22148, 21864.

United States Court of Appeals District of Columbia Circuit.

Argued January 14, 1969.

Decided April 8, 1969.

On Rehearing April 24, 1969.

1062 *1062 *1063 *1064 Mr. Robert L. Weinberg, Washington, D. C. (appointed by this court), for appellant in Nos. 21,780 and 22,148.

Mr. Julian P. Freret, Washington, D. C. (appointed by this court), for appellant in No. 21,864.

Mr. Roger E. Zuckerman, Asst. U. S. Atty., with whom Messrs. David G. Bress, U. S. Atty., and Frank Q. Nebeker, Asst. U. S. Atty., were on the brief, for appellee.

Before WRIGHT, McGOWAN and ROBINSON, Circuit Judges.

J. SKELLY WRIGHT, Circuit Judge:

Appellants Tatum and Gaither were convicted of grand larceny for a shoplifting expedition to Woodward & Lothrop's Department Store. The evidence showed that Tatum took five sport coats from a display rack and laid them on the floor. Gaither then approached with a large shopping bag, which he held open while Tatum put the coats inside. A special policeman employed by the store observed the incident, and with the help of two colleagues arrested appellants before they left the store. The coats had a wholesale value of over \$100.

1065 Appellants attack their convictions on a host of grounds. Chief among these is a challenge to the **indictment** procedure *1065 used in this case. We find that procedure to be indeed defective, and we require that it be changed for indictments brought after the date of this opinion. However, in the instant case we find no prejudice to appellants requiring reversal. With respect to the other errors claimed, we likewise find no defect affecting substantial rights, and hence we affirm both convictions.

EXHIBIT - F

employees of correctional facility, language in the indictments was substantially same as language of statute defining offense charged, captions indicated victims were correctional facility employees or cited the statute defining offense, and
Page 385

title of charge in body of indictments stated victims were correctional facility employees), *overruled on other grounds*, *Gentry*, **363 S.C. 93**, **610 S.E.2d 494**; *Tate v. State*, **345 S.C. 577**, **581**, **549 S.E.2d 601**, **603** (2001) ("It is the body of the indictment rather than the caption that is important. If the body specifically states the essential elements of the crime and is otherwise free from defect, defect in the caption will not cause it to be invalid."); *State v. Tabor*, 262, S.C. 136, 141, **262 S.C. 136**, **202 S.E.2d 852**, **854** (1974) ("the State may not support a conviction for an offense intended to be charged by relying upon a caption to the exclusion of the language contained in the body of the indictment").

* When a defendant timely objects to the sufficiency of the indictment, before the jury is sworn, a ruling that an indictment is not sufficient will result in the quashing of the indictment unless the defendant waives presentment to the grand jury and pleads guilty. The solicitor ordinarily will be free to later submit a properly drafted indictment to the grand jury for its consideration. *Cutner v. State*, **354 S.C. 151**, **155**, **580 S.E.2d 120**, **122-23** (2003), *overruled on other grounds*, *Gentry*, **363 S.C. 93**, **610 S.E.2d 494**; *Hopkins v. State*, **317 S.C. 7**, **10**, **451 S.E.2d 389**, **390** (1994), *overruled on other grounds*, *Gentry*, **363 S.C. 93**, **610 S.E.2d 494**; *cf. Evans*, **363 S.C. at 510-13**, **611 S.E.2d at 518-19** (indictment must be quashed when defendant timely objects to indictment issued by a grand jury which is established (or) constituted illegally, (or) when defendant timely proves disqualification of individual grand juror).

A defendant may waive a potential challenge to an indictment, just as he may waive any of his constitutional rights, by failing to raise the issue (or) by admitting the sufficiency of a particular indictment. *Cf. Rivers v. Strickland*, **264 S.C. 121**, **124**, **213 S.E.2d 97**, **98** (1975) (defendant may waive right to assert various statutory and constitutional rights, nonjurisdictional defects, and defenses by pleading guilty); *TNS Mills, Inc. v. S.C. Dept. of Revenue*, **331 S.C. 611**, **617**, **503 S.E.2d 471**, **474** (1998) (an issue conceded in lower court may not be argued on appeal).

* Amendments to an indictment are permissible if: (1) they do not change the nature of the offense; (2) the charge is a lesser included offense of the crime charged in the
Page 386
indictment; (or) (3) the defendant waives presentment to the grand jury and pleads guilty. *State v. Myers*, **313 S.C. 391**, **438 S.E.2d 236** (1993); S.C. Code Ann. § **17-19-100** (2003) (trial court "may amend the indictment . . . if such amendment does not change the nature of the offense charged"). [fn4]

* When the State moves before trial to amend an indictment previously issued (or) "true-billed" by the grand jury, the court first should determine whether the existing indictment is sufficient to place the defendant on notice of a particular

EXHIBIT - G

UNITED STATES of America,
Plaintiff-Appellee,

v.

Judith Tomlinson BULLOCK and Roy
Rodriguez, Jr., Defendants-
Appellants.

No. 71-1667

Summary Calendar.*

United States Court of Appeals,
Fifth Circuit.

Sept. 24, 1971.

Following denial of pretrial motions to dismiss indictment and for inspection of transcript of testimony in proceedings before grand jury, defendant was convicted in the United States District Court for the Middle District of Florida, George C. Young, J., and he appealed. The Court of Appeals held that where defendant contended that substituted indictment was seen and signed only by the foreman of the grand jury and not concurred in by 12 or more grand jurors, he should have been accorded the right to inspect the required record of the number of jurors concurring in the finding of every indictment or, if such record was not properly maintained, to have access to some method of substituted proof to ascertain that substantive provisions of rule requiring concurrence of 12 or more grand jurors were met.

Remanded with directions.

1. Criminal Law ⇨1132

Appeal from judgment of conviction, challenging denial of pretrial motions, was appropriate for summary disposition without oral argument. U.S.Ct. of App. 5th Cir. Rule 18, 28 U.S.C.A.

2. Criminal Law ⇨627.9(2), 1110(9)

Defendant who contended that substituted indictment was seen and signed only by the foreman of the grand jury and not concurred in by 12 or more grand jurors should have been accorded

the right to inspect the required record of the number of jurors concurring in the finding of every indictment or, if such record was not properly maintained, to have access to some method of substituted proof to ascertain that the substantive provisions of rule requiring concurrence of 12 or more grand jurors were met, and failure to accord such right required remand to supplement the record. 28 U.S.C.A. § 2106; Fed. Rules Crim.Proc. rule 6(c, f), 18 U.S.C.A.

3. Criminal Law ⇨627.9(1)

Rule that written transcript of grand jury proceedings is not constitutionally required does not foreclose inquiry into those proceedings nor insulate them from attack under rule governing the functions of the grand jury. Fed. Rules Crim.Proc. rule 6, 18 U.S.C.A.

J. Thomas Cardwell, Oriando, Fla. (Court Appointed), for Bullock.

James M. Russ, Orlando, Fla. (Court Appointed), for Rodriguez, Jr.

John L. Briggs, U. S. Atty., Kendell W. Wherry, Asst. U. S. Atty., for plaintiff-appellee.

Before THORNBERRY, MORGAN and CLARK, Circuit Judges.

BY THE COURT:

The defendant Roy Rodriguez, Jr. and others were tried and convicted on the basis of an indictment filed on June 11, 1970. Rodriguez filed a spate of pretrial motions. One of his motions sought dismissal of this indictment. In this motion, defendant contended that the June 11, 1970 three-count indictment, which was substituted for a six-count indictment filed in an earlier proceeding, was drafted by the United States Attorney, was seen and signed only by the foreman of the grand jury, and that 12 or more grand jurors did not concur in the finding and return of the substitute indictment as required by

* [1] Rule 18, 5 Cir., Isbell Enterprises, Inc. v. Citizens Casualty Company of

New York et al., 5 Cir., 1970, 431 F.2d 409, Part I.

EXHIBIT - H

LEGAL MAIL
MAIL ROOM

STATE V. BENNETT

CREAS 185 SE 2d 147

No. 117

THE SUPREME COURT, SHARP J., HELD THAT CONVICTIONS OF UNLAWFUL SALE OF QUANTITY OF NARCOTIC DRUGS "COULD NOT" BE SUSTAINED WHERE INDICTMENT FAILED TO ALLEGE NAME OF PURCHASER OR THAT PURCHASER'S NAME WAS UNKNOWN.

APPEAL AFFIRMED IN PART; REVERSED IN PART.

I. POISON - 9

CONVICTIONS OF UNLAWFUL SALE OF QUANTITY OF NARCOTIC DRUGS COULD NOT BE SUSTAINED WHERE INDICTMENT FAILED TO ALLEGE NAME OF PURCHASER OR THAT PURCHASER'S NAME WAS UNKNOWN.

G.S. §§ 90-86 ET. SEQ. 90-88; LAWS 1971 C. 919

EXHIBIT I

LEGAL MAIL
MAIL ROOM

STATE V. ZISSITTE
108 SE2d 858

WHERE A SALE IS PROHIBITED, IT IS NECESSARY FOR A CONVICTION, TO ALLEGE IN THE BILL OF INDICTMENT THE NAME OF THE PERSON TO WHOM THE SALE WAS MADE OR THAT HIS NAME IS UNKNOWN, UNLESS SOME STATUTE ELIMINATES THAT REQUIREMENT.

THE PROFF "MUST" OF COURSE CONFIRM THE ALLEGATIONS AND ESTABLISH A SALE TO THE NAMED PERSON OR THAT THE PURCHASER WAS IN FACT UNKNOWN.

EXHIBIT - J

LEGAL MAIL
MAIL ROOM

STATE V. MARTINDALE

CR-AS 189 SE2d 549

PROSECUTION FOR SALE AND TRANSPORTATION OF MARIJUANA, DEFENDANT
WAS FOUND GUILTY OF SALE, IN THE NOVEMBER 1971 SESSION OF SUPERIOR
COURT, ALAMANCE COUNTY, HAMILTON H. HOBGOOD, J., AND DEFENDANT APPEALED.

THE COURT OF APPEALS, 2d DIST. HELD THAT IN INDICTMENT COUNT WHICH
CHARGED UNLAWFUL SALE OF MARIJUANA BUT FAILED TO ALLEGE
THE NAME OF THE PURCHASER OR TO ALLEGE THAT THE PURCHASER'S
NAME WAS UNKNOWN WAS FATAALLY DEFECTIVE.

JUDGMENT ARRESTED.

EXHIBIT - K

ARGUMENTS

I

Trial judge erred for not addressing Petitioner's three pro-se motions that was filed before jury was sworn or pulled; and before he was assigned an attorney for pending charges. State v Means, ___ SE2d ____.

II

PCR Judge erred in Petitioner's original hearing on April 17, 2013; by not making special findings of fact; and State expressly its conclusion of law relating to each issue presented.

§17-27-80. Hearing on Application; Final Judgement.

§17-27-90: Grounds for Relief.

See Transcript, Exhibits, Issues that were stamped clock and filed; and Exhibits where Applicant argued issues at his hearing.

Judge: Hon. Frank Addy

Attorney: Charles T. Brookes, III

Attorney General: Mr. Whitmire

III

Guilty plea Judge erred in not informing the Petitioner that there (was not) an indictment for proximity of School, for Crack-Cocaine, and that the Solicitor indicted him for the wrong crime and do he wish to sign a waiver pursuant to S.C.C.L. Section §17-23-130-140 Guilty Plea.

See Guilty Plea Transcript 6/24/03

IV

The Judge at the guilty plea phase erred in allowing the Petitioner to proceed pro se without advising him of the dangers and disadvantages of acting as his own attorney or self-representation.

See Guilty Plea Transcript-6/24/03

V

PCR Judge erred in allowing Petitioner to proceed pro se without advising him of the dangers and disadvantages of acting as his own attorney. August 31, 2001; before the Honorable Thomas H. Cooper, Judge See Transcript.

VI

Trial Judge erred that revocation of probation and imposition of such probation of a sentence of confinement in the penitentiary at which criminal defendant was without assistance of counsel are void April of 2007

6/24/03 Guilty Plea Conviction

See Transcript, Pg. _____, L. _____

State Ex. Rel. Strickland v Melton 165 SE2d 90, Constitutional Violations

/s/ Stanley G.

Stanley Golson #200479

386 Redemption Way

McCormick Corr Inst

McCormick South Carolina 29899

OCTOBER —, 2020

APPELLATE CASE No. 2020-000241

FILE IN - 07

STANLEY GIBSON
L.C.D.C.
P.O. Box-2019
LEXINGTON, SC 29072

EXHIBIT L

1/29/2007

County of Lexington
Beth A. Carrigg
Clerk of Court
205 EAST MAIN STREET
LEXINGTON, SC 29072

A TRUE COPY
JSC
Lex. Co. C.C.P., G.S. & P.O.

2007 FEB 14 PM 4:52
Beth A. Carrigg
Clerk of Court
Lexington, SC
FILED

RE: INSPECTION of Grand Jury Minutes.

DEAR Ms Carrigg,

Would you please stamp clock and file
this motion, serve on proper parties and serve a copy
on me for my personnel files.

Thank you.

Stanley Gibson
S. Gibson.

STATE of South Carolina
County of Lexington.

In The Court of General Session.

Filed

2006-ES-32-3493-3494
3495-3496

2007 FEB 14 PM 10:53

Beth A. Carrigg
Clerk of Court
Lexington, SC

THE STATE

v-

STANLEY GOLSON

MOTION
To Exclude ALL Inadmissible
Evidence and Testimony,
from the Grand Jury.

A TRUE COPY
[Signature]
Lex. Co. J.C.C.P., G.S. & F.C.

Pursuant to the Fourth, Fifth, Sixth and Fourteenth Amendments
to the United States Constitution, and _____, the defendant
respectfully requests this Court to examine, In Camera, or permit
defense Counsel to So examine, all evidence which the State proposes
to introduce at the Grand Jury hearing concerning the above-captioned
case, and exclude from said hearing all evidence and testimony which
would violate the rights of the defendant under the Fourth, Fifth,
Sixth and Fourteenth Amendments to the United States Constitution.

Respectfully Submitted,
[Signature]
STANLEY GOLSON

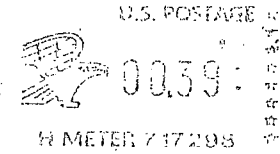
STATE V. MEANS, 626 S.E.2d 348

WIRETAPPING EVIDENCE

0.17 Grams

From 4-25-04

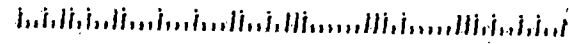
COUNTY OF LEXINGTON
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, S.C. 29072



Stanley Golson
LCDR
PO Box 2019
Lexington, SC 29071

PF17

2907142019 8020



STANLEY GOLDSOHN

L.C.D.C.

Post Office Box - 2019

Lexington, South Carolina - 29071

EXHIBIT M

FEB 14 2019

County of Lexington
Clerk of Court
LEXINGTON COUNTY, JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, SC 29072

DOCKET NO.

- 2006-GS-32-3493
- 2006-GS-32-3494
- 2006-GS-32-3495
- 2006-GS-32-3496

RE: HEARING.

A TRUE COPY
Lex. Co. C.C.P., G.S. & F.C.

DEAR MS CARZIG,

I'm enclosing a copy of THE MOTION for
POST-INDICTMENT HEARING.

PLEASE STAMP CLOCK AND FILE ON THE SAID
PARTIES.
AND FORWARD A COPY BACK TO ME FOR MY FILES.

Thank You.

Respectfully Submitted

Stanley Goldsorn - Pro-SE

STATE of South Carolina
County of Lexington

In THE COURT of Common Pleas.

THE STATE

Filed

2017 FEB 14 PM 4:57

Ruth A. [unclear]
Clerk of Court
Lexington, SC

Motion for Post Indictment
Hearing.

- 2 -

STANLEY GOLSON

A TRUE COPY
JSC
LEX. CO. S.C.C.P., U.S. & F.C.

THE UNDERSIGNED ATTORNEY FOR THE DEFENDANT, _____

RESPECTFULLY MOVE THE COURT FOR AN ORDER DISMISSING THE INDICTMENTS AND FOR AN ORDER REQUIRING THE STATE TO PROCEED BY COMPLAINT AND / OR IN THE ALTERNATIVE, GRANTING TO THE DEFENDANT A POST-INDICTMENT PRELIMINARY HEARING.

THE DEFENDANT RESPECTFULLY SHOWS THE COURT THE FOLLOWING.

1. THE DEFENDANT SUBMITS THAT IN AN ATTEMPT TO CIRCUMVENT HIS CONSTITUTIONAL RIGHT TO ATTACK THE SUFFICIENCY OF EVIDENCE BEFORE A MAGISTRATE AT A "PRELIMINARY HEARING". THE SOLICITOR OFFICE CABLED TOGETHER A GRAND JURY FOR THE SOLE PURPOSE OF RETURNING AN INDICTMENT AGAINST HIM. THIS ACTION ON THE PART OF SOLICITOR - KENT COLLINS WAS DONE MERELY TO GAIN TACTICAL ADVANTAGE AND REPRESENTS A GROSS INJUSTICE TO THE DEFENDANT. IT FURTHER VIOLATES HIS CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

2. DEFENDANT WILL SHOW THAT SOLICITOR preparing an Indictment for presentment to the grand Jury, which Indictment "SHALL" be FILED with the Clerk of Court, Assigned A Criminal Case number AND presented to the Grand Jury.

THESE INDICTMENTS "NEVER" BEEN BEFORE 12 to 18 people TO MAKE A DECISION AS TO THE TRUE BILL, THATS STAMP ON THESE INDICTMENT FORMS AGRANTS ME.

THIS IS PROSECUTORIAL MISCONDUCT AND OBSTRUCTION OF JUSTICE.

WHEREFORE, for the reasons set forth above, the Defendant Prays that the Indictment be dismissed and the State proceed on a Complaint or in the alternative, that the Defendant be granted a Post-Indictment Hearing.

Respectfully Submitted,

STANLEY GILSON - PRO-SE

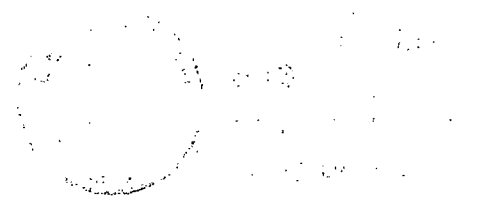
COUNTY OF LEXINGTON

BETH A. CARRIGG

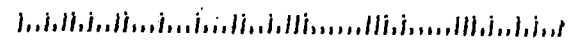
CLERK OF COURT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, S.C. 29072

Stanley Golsen
LCDC
PO Box 2019
Lexington, SC 29072



PFI 17



17

STATE of South Carolina
County of Lexington

EXHIBIT-N

In THE Court of Common Pleas
2006-GS-32-3493-3494-
3495-3496

THE STATE

v.

Stanley Gibson

MOTION for Dismissal.

Will You PLEASE TAKE NOTICE. January - 2007 on as soon thereafter
As Counsel may be heard, As ~~Stacy~~ Henry, Attorney for THE DEFENDANT,
Will Before THE Presiding Judge at Lexington Courthouse, Lexington
South Carolina for DISMISSAL of Indictments.

In Support of THIS MOTION, THE DEFENDANT will SUBMIT
THAT THE ASSISTANT SOLLICITOR ABUSED HIS DISCRETION IN THESE GRAND JURY
MATTERS.

IT STATES)

AT A COURT OF GENERAL SESSIONS, CONVENED IN OCTOBER, 2006, THE GRAND
JURORS of Lexington County PRESENT Upon their OATHS

The following Month:

THE FOREPERSON of Grand Jury, Took A RUBBER Stamp, and Stamp "TRUE BILL"
ON - 6 - Nov - 2006. A Mr. J. A. LUCAS. ON THE PAPER THAT WAS
Suppose TO BE PRESENTED TO Grand Jurors.

For Reasons shown Charges should be Dismissed.

1. INDICTMENTS ARE INSUFFICIENT WHERE THEY FAILED TO SET FACTS AS TO WHY COURT MAY BELIEVED, DEFENDANT COMMITTED A DISTRIBUTION AND THUS, IS MERELY CONCLUSIVE.
2. INDICTMENTS ARE INSUFFICIENT, AND FAILED TO LINK DEFENDANT TO THE DISTRIBUTION CHARGES.
3. THEY DON'T STATE THAT, HE SOLD TO ANY LAW ENFORCEMENT OFFICER
NOR
NO CONFIDENTIAL INFORMANT OF LAW ENFORCEMENT.
IT DON'T SAY NOBODY.
4. IT DON'T STATE "NO" AMOUNT OF DRUGS.
5. IT DOESN'T STATE "NO" PLACE OF BUSINESS OR RESIDENT, WHERE IT SUPPOSELY HAD HAPPEN.
6. NO ADDRESS, NO TIME.

THESE INDICTMENTS ARE VIOLATIONS OF SOUTH CAROLINA, CODE OF LAW, SECTIONS 17-23-130. AND 17-23-140.

THE SOLICITOR, HAS COMMITTED PROSECUTORIAL MISCONDUCT, MISCONDUCT IN OFFICE AND OBSTRUCTION OF JUSTICE.

THE FOREPERSON OF THE GRAND JURY, COMMITTED PERJURY" BY STAMPING, TRUE BILL
ON THE FORMAL INDICTMENT. KNOWING IT HADN'T BEEN SEEN BEFORE THE GRAND JURY.
AND KNOWING, THE DEFENDANT HADN'T SIGN THE WAIVER OF PRESENTMENT.

Douglas E. ALADAMA

ALSO, A SELECTOR SIGNATURE OF INITIAL, AND THE FOREPERSON OF
THE GRAND JURY, DOESN'T BY IT'S SELF CONVEY THAT AN INDICTMENT
HAS BEEN SEEN BY A FULL PANEL OF GRAND JURORS AS REQUIRED
BY LAW. 12 TEL 16-MEMBER.

GAETHERS - U - UNITED STATES. F20

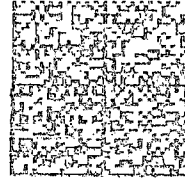
WHEREFORE DEFENDANT PRAYS COURT WILL GRANT RELIEF
AND DISMISS INDICTMENTS.

Stanley Gobson

STATE V. MEANS, 626 SE 2d 348

WHEN DEFENDANT'S TIMELY OBJECTS
TO THE SUFFICIENCY OF THE INDICTMENT,
BEFORE THE JURY IS SWORN, A RULING
THAT AN INDICTMENT IS NOT SUFFICIENT
WILL RESULT IN THE QUASHING OF THE
INDICTMENT, UNLESS DEFENDANT WAIVES PRESENTMENT.

COUNTY OF LEXINGTON
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, S.C. 29072



Hester

01RH26516029
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01/07/2008
Mailed From 29072
US POSTAGE

Stanley Golson # 200479
386 Redemption Way
McCormick Correctional Inst.
McCormick, South Carolina
29899
F1-143



APPELLATE CASE NO. 2020-000241
"3 REIT"
GROUND ONE, OR TWO.

I WOULD AVER THAT THE S.C. COURTS LACKED SUBJECT MATTER JURISDICTION TO ENTERTAIN, AND ADJUDICATE MY APPEAL, THUS VIOLATING MY RIGHTS UNDER THE 14TH AMENDMENT TO THE U.S. CONSTITUTION AND UNDER ART. I § 3. OF THE S.C. CONSTITUTION.

IN THIS CASE SUB JUDICE THERE IS [N]O [W]RITTEN COURT ORDER OR [N]OTE FROM THE CIRCUIT COURT JUDGE GRANTING OR DENYING THE APPLICANTS [P]OST [T]RIAL [M]OTIONS SEE-TR. P. 10.

IT IS THE APPLICANTS POSITION THAT BECAUSE THERE IS NO WRITTEN COURT ORDER IN THIS CASE GRANTING OR DENYING HIS POST-TRIAL MOTIONS THE S.C. SUPREME COURT LACKED "SUBJECT MATTER JURISDICTION" TO ENTERTAIN HIS APPEAL AND ADJUDICATE IT ON THE [M]ERITS INWHETHER BY THIS ISSUE IS REDRESSABLE UNDER THE JURISPRUDENCE OF ART III § 2, CL. 1 OF THE UNITED STATES CONSTITUTION. THE LEGAL FOUNDATION UPON WHICH THE APPLICANT STANDS IS SET FORTH FROM THE LANGUAGE THEREIN RULE-29 SCR. USA.P. TO WHI.

THE TIME FOR APPEAL FOR [A]LL PARTIES [S]HALL BE [S]TAYED BY A TIMELY [P]OST-TRIAL MOTION, AND [S]HALL RUN FROM THE RECEIPT OF [W]RITTEN [N]OTICE OF ENTRY OF THE ORDER [G]RANTING OR [D]ENYING SUCH MOTION. THE TIME WITHIN WHICH TO MAKE THE MOTION SHALL [N]OT BE AFFECTED BY THE ENDING OF A TERM OF COURT OR DEPARTURE OF THE JUDGE FROM THE CIRCUIT, AND THE CIRCUIT JUDGE [S]HALL [R]ETAIN [J]URISDICTION OF THE ACTION FOR THE PURPOSE OF HEARING, AND DISPOSING OF THE MOTION IF NOT HEARD AND DISPOSED OF DURING THE TERM, (EMPHASIS ADDED).

THERE IS [N]O DISPUTING RULES OF LAW (NON EST CERTANDUM DE REQUISITIS JURIS) AND ONE [M]UST ABIDE BY THE WORDS, WHERE THERE IS NO AMBIGUITY (VERBIS STANDUM UBI NULLA AMBIGUITAS).

THE LANGUAGE IN RULE-29 SCRCP IS AMPLIFIED BY THE WORD "SHALL" TO MEAN.

(A) THE TIME FOR APPEAL FOR ALL PARTIES [S]HALL BE [S]TAYED BY A TIMELY POST-TRIAL MOTION, AND [S]HALL RUN FROM WRITTEN RECEIPT OF WRITTEN NOTICE OF ENTRY OF THE ORDER GRANTING OR DENYING SUCH MOTION.

AND (B) THE CIRCUIT JUDGE [S]HALL [R]ETAIN [J]URISDICTION OF THE ACTION FOR THE PURPOSE OF HEARING AND DISPOSING OF THE MOTION.

THE WORD "SHALL" HAS CONSTITUTIONAL SIGNIFICANCE. PRETENDING TO THIS ARGUMENT, BASED ON FACT THE UNITED STATES SUPREME COURT HAS HELD THAT THE WORD [S]HALL IS TO BE [C]ONSTRUED AS [M]ANDATORY, ALABAMA VS. BOZEMAN, 533 U.S. 146, 120 S.Ct 2079 (2001). LOGIC DICTATES THAT IF THE WORD SHALL MEANS [M]ANDATORY, THEN THERE [M]UST BE A WRITTEN COURT ORDER GRANTING OR DENYING THE APPLICANTS POST TRIAL MOTION AND THIS INFLEXIBLE...

THERE IS NO DEBATE THAT LANGUAGE SET FORTH BY THE U.S. SUPREME COURT IS FEDERAL LAW OF THE UNITED STATES AND [A]NYTHING TO THE CONTRARY IS [N]OT WITH STANDING (U.S. CONST. ART. VI § 2). FROM THE WORDS OF THE LAW, THERE IS TO BE NO DEPARTURE. A VERBIS LOGIS NON EST RECEDENDUM, AND THERE "MUST" BE A WRITTEN COURT ORDER GRANTING OR DENYING THE POST TRIAL MOTION, WHICH IS A MATTER OF RECORD.

IT IS RECOGNIZABLE FROM THE RECORDS THAT THE CIRCUIT COURT JUDGE [O]RALLY DENIED THE APPLICANTS POST-TRIAL MOTIONS. TR. P. _____ LINES _____

HOWEVER [O]RALLY DENYING THE MOTIONS DOES [N]OT SUFFICE TO CONFER SUBJECT MATTER JURISDICTION TO THE S.C. SUPREME COURT TO ADJUDICATE THE APPEAL IN THIS CASE, BECAUSE RULE-29 SCRPC [S]PECIFICALLY AND [U]NEQUEVOCALLY WITH [C]LARETY AND [P]ARTICULARLY STATES [W]RITTEN [N]OTICE GRANTING OR DENYING THE POST-TRIAL MOTIONS; AND THE [S]PECIFICATION OF ONE THING IS AN EXCLUSION OF THE OTHER, (ENUMERATED UNIVS EST EXCLUSIO ALTERIS) FURTHERMORE WRITTEN AND SPOKEN ARE TROVERSE UNDER THE AMERICAN JURISPRUDENCE IN THE SCOPE OF LAW AND BY DEFINITION OF THE WORDS AS DEFINED IN OUR ENGLISH GRAMMAR LIKEWISE SUBJECT MATTER JURISDICTION IS A REQUISITE IN ALL CASES IN LAW AND IN EQUITY U.S. CONST. ART. III § 2, CL. 1 AND IT CANNOT BE WAIVED EVEN BY CONSENT OF THE PARTIES MOREOVER IT [C]AN BE RAISED AT ANYTIME.

THE UNITED STATES SUPREME COURT WAS UNEQUEVOCAL WHEN THE COURT STATED VERBATIM;

WITHOUT JURISDICTION THE COURT [C]AN NOT PROCEED AT [A] ALL IN ANY CAUSE. JURISDICTION IS [P]OWER TO DECLARE THE LAW, AND WHEN IT CEASES TO EXIST, THE [O]NLY FUNCTION REMAINING TO THE COURT IS THAT OF ANNOUNCING THE FACT AND DISMISSING THE CAUSE.

STEEL CO. VS. CITIZENS FOR A BETTER ENVIRONMENT,
523 U.S. 83 (1998).

THE COURT HAS FURTHER STATED *IN HAEC VERBA*,

THE REQUIREMENT THAT JURISDICTION BE ESTABLISHED AS A THRESHOLD MATTER SPRINGS FROM THE NATURE AND LIMITS OF THE JUDICIAL POWER OF THE UNITED STATES, AND IS [I]NALTERABLE AND WITHOUT EXCEPTION.

I.O. WIT 94 AND 95

THE U.S. COURT OF APPEALS HAVE REITERATED THIS LANGUAGE AND AMPLIFIED IT BY STATING *VERBATIM*.

IT IS [T]RUE THAT JURISDICTIONAL ERRORS ARE [N]OT WAIVED, BECAUSE THEY AFFECT THE [B]ASIC AUTHORITY OF A COURT TO HEAR AND DECIDE A CASE.

UNITED STATES VS. CALDERON, 243 F.3d. 587 (2001).
HARRIS VS. UNITED STATES, 149 F.3d 1304 (1998).

IN CONCLUSION,

NOT ONLY DID THE SUPREME COURT OF SOUTH CAROLINA LACK SUBJECT MATTER JURISDICTION TO HEAR AND/OR ADJUDICATE APPLICANTS APPEAL, BUT THE ORDER OF THE S.C. SUPREME COURT IS BRUTUM FULMAN NUGATORY AND/OR VOID. MORE OVER TO DATE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ALSO LACKS SUBJECT MATTER JURISDICTION TO HOUSE APPLICANT FROM 4-5-07 UNTIL PRESENT DATE. BECAUSE BY LAW THE CASE IS STILL WITHIN THE JURISDICTION OF THE CIRCUIT COURT JUDGE, MACAWAY A FUNDAMENTAL MISCARriage OF JUSTICE IS ONGOING AND THE APPLICANT HAS BEEN ILLEGALLY HELD IN THE S.C.D.C. FOR _____ YEARS WHICH IS FALSE IMPRISONMENT, AND ACTIONABLE UNDER TORT LAW.

SENTENCE AND CONVICTION MUST BE VACATED.

OCTOBER 19TH, 2020
McCormick, SC.

6 of 6

of Stanley Golson
MR. STANLEY GOLSON - PROSE
386 - REDEMPTION WAY
McCormick Correctional Inst.
McCormick, SC 29899
F.B. RM# 238

1. FIRST THE 06, INDICTMENTS OR VOID.

RECEIVED

2. THE NO'S 1-7 ARE NOT THE CHARGES PETITIONER PLED TO ON 6/1/99 WHICH WAS SUPPOSELY COCAINE 1ST OFFENSE, DISTRIBUTION AND DISTRIBUTION OF COCAINE IN PROXIMITY OF SCHOOL.

OCT 21 2020

S.C. SUPREME COURT

3. THE INDICTMENTS ARE VOID, FOR THESE REASONS (44-53-110) AND (ALBENT) MENTION AND IT WAS FALSE INFORMATION WHICH WAS SUPPOSELY SENT TO GRAND JURY, TO BE TRUE BELIEVED. IN WHICH THEY WERE TRUE BELIEVED.

STATE V. TYRONE MASON, UNPUBLISHED
OPINION NO. 2002-UP-774

STATE V. JONES 500 SE 2d 499 (SC. APP 1998)

STATE V. JONES 536 SE 2d 675 (SC. 2000)

FRANKS V. DELAWARE 98 S. Ct

4. THE CHARGES ARE NON-VIOLENT

5. SEC- ATTORNEY GENERAL OPINION, THE SENTENCE (SHOULD NOT) HAVE BEEN SUSPENDED, NOR PROBATION GRANTED.

6. THERE'RE PAROLE OFFENSES.

7. NO. # 8 IS VOID, FOR THESE REASONS.

1. THERE (NEVER) WAS A INDICTMENT FOR DCS CRACK COCAINE IN PROXIMITY OF SCHOOL ZONE. 17-23-130, 140

2. PETITIONER (WAS NOT) WARNED OF SELF REPRESENTATION, SEE, TRANSCRIPT OF GUILTY PLEA, 6/24/03

3. PETITIONER (WAS NOT) WARNED OF SELF REPRESENTATION
SEE GUILTY PLEA TRANSCRIPT.

APPELLATE CASE NO. 2020-000241

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)
 Stanley Golson #200479,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 Case No.: 2010-CP-32-03755

"BRIEF"

~~AMENDMENT TO APPLICATION FOR
 POST-CONVICTION RELIEF~~

The applicants Trial Counselor Mr. Kendrick was ineffective for various reasons; (1) for not doing a factual and legal investigation, (2) failure to bring to the courts attention, the applicant had motions on file, at the Lexington County Clerks office. He totally ignored the motions before this Court intentionally. The applicant's motions to dismiss the said indictments. See, State v. Means, 367 S.C. 374 (2006) and, (3) he should have known that a signature of the foreman of the Grand Jury on indictment could not in itself convert indictment, admittedly not seen by the full Grand Jury, into one properly found by twelve jurors as required by rule. Federal Rules of Criminal Procedure, Rule 6, 18 U.S.C.A., Gathers v. United States, 413 F.2d1061 (1969).

Improper Grand Jury Impanelment

This section declaring that the Grand Jury of each County (shall) consist of eighteen members is mandatory.

Section 22. Grand and Petit Juries.

The Grand Jury of each County, and the State Grand Jury, as the General Assembly may establish by general law.

"Shall" consist of eighteen members, twelve of whom "must" agree in a matter before it can be submitted to the Court. Each juror "must" be a resident of this State and have such other qualifications the general assembly may prescribe.

1985 Act. No. 9 eff. February 20, 1985; 1989 Act No. 5, § 1. eff. February 8, 1989; 1989 Act No. 7, § 1.

Lastly:

Where a sale is prohibited, it is necessary for a conviction, to allege in the bill of indictment the person to whom the sale was made or that his name is unknown. Unless some eliminate its that requirement. The proof "must" of course conform to the allegations and establish a sale to the named person or that the purchaser was in fact unknown.

Conviction of unlawful sale of quantity of narcotic drugs "could not" be sustained where indictment failed to allege name of purchaser or name was unknown. GS. 90-86 Seq. Law 1971-919. State v. Bissete, 250 N.C. 514, 517-18, 108 S.E.2d 861.

The subject matter jurisdiction of the circuit court over a matter is fundamental and Issues regarding whether the circuit court had subject matter jurisdiction may be raised at anytime. See, Docket No. 2006-GS-32-3494.

Which states:

That Stanley Golson did in Lexington County on or about May 25, 2004, knowingly and intentionally, willfully and unlawfully sell, distribute, cultivate, manufacture, deliver, purchase, or

bring into this state, or did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this state, possess with intent to distribute or was knowingly and intentionally in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of crack cocaine, a controlled substance under provisions of §§ 44-53-110, et seq. Code of Laws of South Carolina 1976, as amended, in violation of § 44-53-375. Code of Laws of South Carolina, 1976, as amended.

S.C. Code 44-53-110, Definition Sections and § 44-53-375, only enhances the punishment for violations of § 44-53-370 involving certain substances and does not define a separate crime. State v. Timmons, 349 S.C. 389, 392, 563 S.E.2d 651, 659 (2002). Reemphasizes the holding that section § 44-53-375 is a penalty enhancement provision only.

However, the indictment in this case does not refer to section 44-53-370, which states the knowledge element, but instead refer to section 44-53-110 which is the general definitional portion of the statute and contains no reference to the requirement that distribution of the substance must be knowing or intentional.

Conclusion

Accordingly, viewing the entire indictment with a practical eye, we find it failed to include an essential element of the offenses and was insufficient to confer jurisdiction upon the circuit court.

Applicant's sentence and conviction must be vacated and applicant immediately released.

October 19th, 2020
McCombs, SC

Sincerely,

Stanley Golson

Mr. Stanley Golson

STANLEY GOLSON, # 200479
MCCORMICK CORRECTIONAL INSTITUTION
386 - REDEMPTION WAY
MCCORMICK S. 29899



MAIL ROOM
OCT 19 2020
RECEIVED

THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

