



COMMON PLEAS JURISDICTION SEEKING FORFEITURE AGAINST THE STATE FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION.

S.C. RULES OF CIVIL PROCEDURE, RULE 55(a) PROVIDE:

"ENTERING A DEFAULT: WHEN A PARTY AGAINST WHOM A JUDGMENT OF AFFIRMATIVE RELIEF IS SOUGHT HAS FAILED TO PLEAD OR OTHERWISE DEFEND, AND THAT FAILURE IS SHOWN BY AFFIDAVIT OR OTHERWISE, THE CLERK MUST ENTER THE PARTY'S DEFAULT." THE APPLICANT SEEKS THAT DEFAULT BE ENTERED INTO THE COURT RECORD. THE S.C. ATTORNEY GENERAL AND THE 13TH. CIRCUIT SOLICITOR'S OFFICE HAD (365) DAYS SET IN PLACE BY THE S.C. LEGISLATURE TO CONCLUDE THE APPLICANT'S DUE PROCESS MATTERS OR GET BEFORE THIS COURT AND EXPLAIN WHY HE HAS FAILED TO DO SO. HE HAS FAILED IN HIS FIDUCIARY DUTY VIOLATING NOT JUST HIS OATH OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTION, BUT HE HAS ALSO VIOLATED THE APPLICANT'S DUE PROCESS RIGHTS ESTABLISHING UNCONSTITUTIONAL ACTION WHICH VOIDS THE GREENVILLE COUNTY COURT OF COMMON PLEAS JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION. THIS IS CHALLENGE.

ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION PROVIDES:

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IT IS ORDERED, THAT ALL CIVIL CASES WITHIN THE COURT OF COMMON PLEAS IN THE STATE OF SOUTH CAROLINA "[S]HALL" BE DISPOSED OF WITHIN (365) DAYS OF THE ORIGINAL FILING. PROVIDED, HOWEVER, THE CIRCUIT COURT MAY CONTINUE A CIVIL CASE BEYOND THE (365) DAYS BY [W]RITTEN ORDER" (EMPHASIS ADDED), IF THE COURT DETERMINED THAT EXCEPTIONAL CIRCUMSTANCES EXIST IN THE CASE. THIS DOES NOT CREATE OR DEFINE A RIGHT TO A SPEEDY TRIAL". (SEE S.C. RULES OF COURT 2003 EDITION ON PAGE 652 AND S.C. RULES OF COURT 2004 EDITION ON PAGE 659).

BY NO MEANS IS THE APPLICANT CLAIMING THAT THE STATE COULD NOT GO BEYOND THE (365) DAYS IN QUESTION. WHAT THE APPLICANT IS INDEED ASSERTING IS THAT IF THE STATE AND COURT INTENDED TO DO SO? BY THE APPLICANT'S DUE PROCESS RIGHTS, THEY WERE REQUIRED TO

RESPOND FOR THE PURPOSE OF GETTING THE APPLICANT BEFORE THE COURT TO OBTAIN THE ESSENTIALLY NEEDED CONTINUANCE, WHICH IS A "[J]URISDICTIONAL [R]EQUISITE", TO ALLOW THE PROSECUTOR TO FURTHER CONTROL HIS DOCKET IF HE SO DESIRED TO PUSH THE CASE PAST THE (365) DAYS PROSCRIBED BY DUE PROCESS LAW AND THE S.C. LEGISLATURE, WHICH HE AND THE COURT FAILED TO TIMELY DO, PLACING THE STATE AND COURT IN FORFEITURE ON THE CAUSE WHICH THE APPLICANT RESPECTFULLY SEEK.

ARTICLE V PRIVILEGES, RULE 501 GENERAL RULE PROVIDES:

"EXCEPT AS REQUIRED BY THE SOUTH CAROLINA CONSTITUTION, BY THE CONSTITUTION OF THE UNITED STATES, OR BY SOUTH CAROLINA STATUTE, THE PRIVILEGES OF A WITNESS, PERSON, OR THE GOVERNMENT. (EMPHASIS ADDED) SHALL BE INTERPRETED BY THE COURTS IN LIGHT OF REASON AND EXPERIENCE. THE RULE MODIFIES THE FEDERAL RULE TO REFER TO THE SOUTH CAROLINA CONSTITUTION".

ARTICLE V PROVISIONS IN THIS INSTANCE MAKES IT "MANDATORY", "DRACONIAN", REQUIRING ANY INTERPRETATION OF THIS PROVISION TO BE REFERRED TO THE UNITED STATES CONSTITUTION, THE SOUTH CAROLINA CONSTITUTION AND LEGISLATURE AS A PRIMARY RULE AND OR FIRST CHOICE, AND NOT TO THE FEDERAL RULE AS IT PERTAINS TO NORMAL ~~ADMINISTRATIVE MATTERS, ESPECIALLY IN LIGHT OF THE FACT THAT WE~~ ARE DEALING WITH A JUDICIAL ORDER ISSUED BY THE S.C. SUPREME COURT THAT BY THEIR JUDICIAL DISCRETION THEY ATTACHED TO THE SOUTH CAROLINA CONSTITUTION MAKING ITS ADHERENCE MANDATORY BY LEGISLATIVE INTENT PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION.

TO FURTHER BOLSTER THIS PROPOSITION THAT THIS RULE, ORDER OR PROVISION OF LAW IS MANDATORY, DRACONIAN IN NATURE, THE APPLICANT BRINGS THE COURT'S ATTENTION TO SOUTH CAROLINA RULES OF COURT 2005 EDITION, PAGES 296, 297, 303 AND 304. THEY STATE:

IT IS ORDERED, THAT UPON THE FILING OF A POST TRIAL

MOTION UNDER RULES 50, 52, 59 OR 60(a) S.C.R.C.P., BY A PARTY IN A JURY OR NON JURY ACTION, THE PARTY "[S]HALL" WITHIN (10) DAYS PROVIDE A COPY OF THE MOTION TO THE JUDGE.

IT IS FURTHER ORDERED,\*\*\*\* THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES IN EACH CIRCUIT SHALL ENSURE COMPLIANCE WITH THIS ORDER, ALSO SEE S.C. RULES OF COURT 2013 EDITION".

IT IS PERSPICUOUS THAT IF THE LOWER COURT IS NOT IN COMPLIANCE TO RULE(S) 50, 52, 59 OR 60(a) BY THESE JUDICIAL ORDERS ISSUED FROM THE SOUTH CAROLINA SUPREME COURT, THE HIGHER COURT(S) CANNOT ENTERTAIN JURISDICTION, AND MUST REMAND FOR FURTHER ADJUDICATION BY THE LOWER COURT(S) IN QUESTION IF THE MOTIONS ARE NOT RULED ON WHEN TIMELY SUBMITTED IN ACCORDANCE TO THESE JUDICIAL ORDERS, MAKING THE ARTICLE V PROVISION AND OR ORDER(S) IN QUESTION "DRACONIAN", "MANDATORY" IN NATURE. ON THIS PREMISE, THE COURT OF COMMON PLEAS UNDER VIOLATION OF THE (365) DAY PROVISION "[C]ANNOT" CONTINUE TO ENACT AND OR INVOKE AND OR PROCEED WITH ITS "[P]OWERS" OF SUBJECT MATTER JURISDICTION IF THEY FAIL TO BE IN COMPLIANCE WITH THIS DUE PROCESS REQUIREMENT, FORTMILL v. FITZGERALD, S.E.2d., 2014 WL 7339453(S.C.App.2014); CALDWELL v. WINQUIST, 402 S.C. 565, 741 S.E.2d. 583(S.C.App.2013).

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S.C. RULES OF CIVIL PROCEDURE, RULE 56 PROVIDE:

"A PARTY AGAINST WHOM A CLAIM, COUNTERCLAIM, OR CROSS-CLAIM IS ASSERTED OR A DECLARATORY JUDGMENT IS SOUGHT MAY, AT ANY TIME (EMPHASIS ADDED), MOVE WITH OR WITHOUT SUPPORTING AFFIDAVITS FOR SUMMARY JUDGMENT IN HIS FAVOR AS TO ALL OR ANY PART THEREIN". THE APPLICANT MOVES FOR SUMMARY JUDGMENT, FOR DECLARATORY JUDGMENT, FORFEITURE AND CHALLENGES THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION.

S.C. RULES OF CIVIL PROCEDURE, RULE 57 PROVIDE:

"THE EXISTENCE OF ANOTHER ADEQUATE REMEDY DOES NOT PRECLUDE A JUDGMENT FOR DECLARATORY RELIEF IN CASES WHERE IT IS APPROPRIATE. THE COURT MAY GRANT A SPEEDY HEARING OF AN ACTION FOR DECLARATORY JUDGMENT AND MAY ADVANCE IT ON THE CALENDAR". DUE TO WHAT IS ARGUED, THE APPLICANT SEEKS AN IMMEDIATE HEARING AND MOTION THAT THIS CASE BE IMMEDIATELY ADVANCED ON THE COURT CALENDAR FOR PROPER RESOLUTION. THE COURT IS NOT BOUND TO ADHERE TO STRICT ORDER OF DOCKET IF THERE BE ANY REASON OF JUSTICE, NECESSITY OR CONVENIENCE FROM DEPARTING FROM IT. THE CASE WILL EMBARRASS THE OPERATION OF THE GOVERNMENT IF LEFT UNSETTLED, U.S. v. FOSSATT, 62 U.S. 455, 21 HOW. 445, 1858 WL 9345; BRANNON POE, CPA., LLC. v. STRAVOLO, S.E.2d., 2016 WL 2745274 (S.C.2016); STATE v. BROAD RIVER POWER COMPANY, 164 S.C. 208, 162 S.E. 74 (S.C.1931); FORBES v. DEHON, 17 S.C. Eq. 45 SPEARS Eq. 45, 1843 WL 2962; ATLAS TRAVEL SERVICE, INC. v. MORELLY, 97 S.O.2d. 496 (1957); GONZÁLEZ v. CROSBY, 545 U.S. 524, 125 S.Ct. 2641, 162 L.Ed.2d. 480(U.S.2005); NATURAL GAS CO. OF WEST VIRGINIA v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, 55 S.Ct. 646 (MEM)(U.S.1935).

S.C RULES OF CIVIL PROCEDURE, RULE 60(a) PROVIDES:

~~"CORRECTIONS BASED ON CLERICAL MISTAKES, OVERSIGHTS~~  
AND OMISSIONS. THE COURT MAY CORRECT A CLERICAL MISTAKE "OR A MISTAKE ARISING OR OMISSIONS WHENEVER ONE IS FOUND IN A JUDGMENT, ORDER, OR OTHER PART OF THE RECORD (EMPHASIS ADDED). THE COURT MAY DO SO ON MOTION, OR ON ITS OWN, WITH OR WITHOUT NOTICE". THE RULE ALLOWS FOR THE CORRECTION OF NOT JUST CLERICAL MISTAKES OR OMISSIONS, BUT ALSO FOR ANY OTHER MISTAKE OR OMISSION, SUCH AS THE ONES ARGUED HERE, THAT OCCURRED ON THE PART OF THE COURT AND OR ATTORNEY GENERAL'S OFFICE.

THE CHIEF ADMINISTRATIVE JUDGE HAS A FIDUCIARY DUTY TO CORRECT THIS OMISSION AND INJUSTICE. THE VIOLATION OF DUE PROCESS AND UNCONSTITUTIONAL ACTION ON THE PART OF THE COURT OF COMMON

PLEAS AND SOLICITOR'S OFFICE VOIDS THE COURT'S JURISDICTION PLACING THE STATE IN FORFEITURE ON THE CAUSE. THE COURT OF COMMON PLEAS MAY NOT, VIA DOCTRINE OF "HYPOTHETICAL JURISDICTION" DECIDE CAUSE OF ACTION BEFORE RESOLVING WHETHER THE JURISDICTION GIVEN TO THEM BY LEGISLATIVE PROVISIONS HAVE BEEN MADE VOID FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION; DOING SO WOULD CARRY COURTS BEYOND BOUNDS OF AUTHORIZED JUDICIAL ACTION AND THUS OFFEND FUNDAMENTAL PRINCIPLES OF SEPARATION OF POWER, ESPECIALLY IN LIGHT OF THE FACT THAT WE ARE ALSO DEALING WITH LEGISLATIVE INTENT PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONSTITUTION, AND WOULD PRODUCE NOTHING MORE THAN HYPOTHETICAL JUDGMENT, WHICH WOULD COME TO THE SAME THING AS ADVISORY OPINION, DISAPPROVED BY THE U.S. SUPREME COURT, UNITED STATES v. GORDON, 2019 WL 5586966, \* 1 E.D.Mich.; IN RE: GEE, 941 F3d. 153, 161+ 5TH. Cir.(La.); UNITED STATES v. CAVERGNE, 785 Fed. Appx' 212, 217+, 5TH.Cir.Tex..

SUBJECT MATTER JURISDICTION, BECAUSE IT INVOLVES THE COURT'S POWER TO HEAR A CASE, CAN NEVER BE FORFEITED OR WAIVED. THIS HAS NOTHING TO DO WITH THE PROSECUTOR BEING ABLE TO CONTROL HIS DOCKET. HE CANNOT BE PERMITTED TO USE SUCH ASSERTION AS A MEANS TO STRIP THE APPLICANT OF CONSTITUTIONAL PROTECTIONS PLACED ON HIM BY THE U.S. CONSTITUTION, THE S.C. CONSTITUTION AND THE ~~S.C. LEGISLATORS, WHICH OCCURRED IN THIS CASE VOIDING THE COURT'S~~ JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400, \* 1 D.Md.; BARNES v. GIVENS, 2019 WL 5579543, \* 3, W.D.Tex.; WALLS v. BOEING COMPANY, 2019 WL 4931365, \* 2 D.S.C..

THE APPLICANT GIVES THE COURT AND PARTIES JUDICIAL NOTICE. NOT ONLY BY THIS DOCUMENT, BUT ALSO BY HIS PRESENTED PCR APPLICATION, THE APPLICANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005). THE APPLICANT IS ALSO ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. LANGFORD, 400 S.C. 421, 735

S.E.2d. 471(S.C.2012) PURSUANT TO APPELLATE COURT RULES, RULE 217, AND BASED UPON THE UNCONSTITUTIONAL ACTION THAT HAS OCCURRED IN THIS CASE INVOLVING THE STATE PROSECUTOR AND THE COURT ITSELF. EQUITABLE TOLLING IS ESTABLISHED AT ALL LEVELS, STATE AND FEDERAL, THAT WOULD PERMIT THE APPLICANT TO HAVE THESE DUE PROCESS MATTERS ADDRESSED AT EVERY STAGE, JOSEPH v. SOUTH CAROLINA DEPT. OF LABOR, LICENSING AND REGULATION, 417 S.C. 436, 790 S.E.2d. 763(S.C.App.2016); STOKES-CRAVEN HOLDINGS CORP. v. ROBINSON, 416 S.C. 517, 787 S.E.2d. 485(S.C.App.2016); JOHNSON v. JOHNSON, S.E.2d., 2014 WL 2721680(S.C.App.2014); BODMAN v. STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); PEGG v. HEARNBERGER, 845 F3d. 112 (4th.Cir.2017); GRAHAM v. GAGNON, 831 F3d. 176 (4th.Cir.2016); JONES v. WEAVER, 2019 WL 3034672 (N.D.Va.2019).

IN THE LANGFORD CASE, THE COURT DETERMINED THAT THE STATE PROSECUTORS HAVE A RIGHT TO CONTROL THEIR DOCKET. THIS IS NOT THE ISSUE OF CONCERN HERE. ONE OF THE ESSENTIAL ISSUES OF CONCERN IS THAT IN THE COURT MAKING ITS DETERMINATION THAT THE PROSECUTORS HAVE A RIGHT TO CONTROL THEIR DOCKET. THE COURT AND STATE PROSECUTORS HAVE CONSTRUED THAT JUDICIAL DETERMINATION, CONSPIRING UNDER COLOR OF STATE LAW, IN AN INAPPROPRIATE MANNER AND IN AN ABUSE OF DISCRETION TO MEAN THAT SUCH A DETERMINATION ALSO ALLOWS AND OR OPEN THE DOOR FOR THE COURT AND STATE TO ~~DIMINISH, NEGATE OR WATER DOWN OTHER SUBSTANTIAL PROTECTIONS SET~~ IN PLACE BY THE U.S. CONSTITUTION, THE S.C. CONSTITUTION, THE STATE LEGISLATORS AND DUE PROCESS LAW RENDERING ANY ACTION OF THE COURT ATTACHED THERETO UNCONSTITUTIONAL AND VOIDS THE COURT(S) INVOLVED JURISDICTION FOR SUCH UNCONSTITUTIONAL ACTION. FOR EXAMPLE, IN THE FILED PCR CASE. THE COURT AND STATE PROSECUTOR HAS CONSTRUED THE LAW PURSUANT TO THE LANGFORD CASE AS CARTE BLANCHE TO DENY THE APPLICANT OF THE APPOINTMENT OF THE APPOINTMENT OF LEGAL COUNSEL AT CRITICAL STAGES OF THE PCR PROCESS SUCH AS THE STAGE OF FILING THIS PRESENT DEFAULT, DEMONSTRATING THAT PREJUDICE IS CLEARLY ESTABLISHED. ONCE THE PCR APPLICATION IS FILED. THE APPLICANT HAS THE DUE PROCESS RIGHT, ALSO BY HIS RIGHT OF AUTONOMY, TO AMEND, FILE MOTIONS OR

PETITIONS ETC. TO PERFECT HIS DUE PROCESS MATTERS, AND THE APPLICANT IS PREJUDICED IN DOING ALL OF THIS IF LEGAL COUNSEL IS NOT APPOINTED TO ASSIST HIM AT THESE CRITICAL STAGES. THE COURT AND PROSECUTOR CANNOT IN FUNDAMENTAL FAIRNESS TO THE APPLICANT'S DUE PROCESS RIGHTS USE THE LANGFORD HOLDINGS AS AN UNCONSTITUTIONAL MEANS TO NEGATE, WATER DOWN OR DIMINISH THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT. IMMEDIATELY APPOINTING LEGAL COUNSEL AS DUE PROCESS LAW REQUIRES AT CRITICAL STAGES OF THE PROCEEDINGS, SUCH AS WHEN THE PCR IS FILED WHERE THERE ARE CLEAR JURISDICTIONAL CLAIMS ARGUED, WOULD NOT HARM, IN ANY MANNER, THE PROSECUTOR'S RIGHT OR ABILITY TO CONTROL HIS DOCKET. ONCE COUNSEL IS APPOINTED, THE PROSECUTOR CAN PLAY, "SKIP THROUGH MY LOOP MY DARLING", "RING AROUND THE ROSIE" OR WHATEVER OTHER MADNESS HE FEELS HE OR SHE IS BIG AND BAD ENOUGH TO DO AND SCHEDULE ANY REQUIRED HEARING ACCORDING TO THE TIMETABLE HE OR SHE SEES FIT. THUS, THE LANGFORD HOLDINGS BEING USED TO DIMINISH OR WATER DOWN OR NEGATE THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT RENDERS THIS PRESENT PCR CASE UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. ONCE THIS EXISTING PCR APPLICATION WAS FILED PRESENTING JURISDICTIONAL ISSUES WHICH CANNOT BE WAIVED OR FORFEITED. THE APPLICANT HAS A DUE PROCESS RIGHT TO HAVE LEGAL COUNSEL IMMEDIATELY APPOINTED WHERE THE INITIAL FILING IS A CRITICAL STAGE OF THE PROCEEDINGS

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~~WHERE MOTIONS, AMENDMENTS, PETITIONS ETC. NEED TO BE FILED AND~~  
THE LANGFORD HOLDINGS CANNOT BE USED TO WATER DOWN, DIMINISH, NEGATE OR DENY THIS SUBSTANTIAL DUE PROCESS CONSTITUTIONAL RIGHT WHICH WOULD RENDER THE PROCEEDINGS IN QUESTION UNCONSTITUTIONAL AND VOID. THE PREJUDICE THAT THE APPLICANT IS AND WAS SUBJECT TO IS OVERWHELMINGLY SELF EVIDENT VOIDING THIS COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, WHITE v. MARYLAND, 373 U.S. 59; LAKE v. STATE, --S.W.3d.--, 2017 WL 514588 (2017); RICE v. UNITED STATES, F.Supp.3d., 2015 WL 9216877 (W.Va.2015); ROWSEY v. U.S., 71 F.Supp.3d. 585 (E.D.Va.2014); U.S. v. WRIGHT, 59 F3d. 168 (TABLE) 1995 WL 378594 (4th.Cir.1995); U.S. v. HOLLIS, 506 F3d. 415(5th.Cir.2007); STATE v. BRYANT, 383 S.C. 410, 680 S.E.2d. 11

(S.C.App.2009); U.S. v. WADE, 388 U.S. 218; LAFLEER v. COOPER, 132 S.Ct. 1376; SELLNER v. STATE, 416 S.C. 606; GIDEON v. WAINWRIGHT, 372 U.S. 335, 83 S.Ct. 258, 19 L.Ed.2d. 319(1967); MEMPHIS v. RHAY, 389 U.S. 128, 134, 88 S.Ct. 254, 257, 19 L.Ed.2d. 336(1969); McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821 (U.S.2018).

THERE IS A SECOND INJUSTICE THAT HAS MANIFESTED ITSELF PRODUCED BY THE HOLDINGS MADE UNDER THE LANGFORD CASE. THE STATE PROSECUTOR, SUPPORTED BY THE ABUSE OF DISCRETION OF THE STATE COURT(S) INVOLVED, HAVE INTERPRETED THE PROSECUTOR'S RIGHT TO CONTROL HIS DOCKET TO MEAN OR BE CONSTRUED TO MEAN THAT THEY CAN VIOLATE AND OR DIMINISH AND OR WATER DOWN CONSTITUTIONAL DUE PROCESS PROTECTIONS PLACED UPON THE DEFENDANTS BY THE STATE LEGISLATORS IN CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE RENDERING ALL STATE ACTION AND PROCEEDINGS ATTACHED TO THIS INJUSTICE A VIOLATION OF DUE PROCESS, UNCONSTITUTIONAL AND VOIDS THE COURT(S) INVOLVED JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION WHICH VIOLATES ARTICLE 12 § 2 AND ARTICLE 1 § 23 OF THE S.C. CONSTITUTION WHICH PROVIDE:

"THE PROVISIONS OF THE SOUTH CAROLINA CONSTITUTION ~~"[S]HALL" (EMPHASIS ADDED) BE TAKEN, DEEMED AND CONSTRUED TO BE MANDATORY AND OR PROHIBITORY AND NOT MERELY DIRECTORY, EXCEPT WHERE MADE DIRECTORY OR PERMISSORY BY ITS OWN TERMS"~~

ONCE THE SOUTH CAROLINA SUPREME COURT ATTACHED THESE SPECIFIC PROVISIONS OF LAW TO THE SOUTH CAROLINA CONSTITUTION BY THEIR VOLUNTARY AND DISCRETIONARY ACTION, LEGISLATIVE INTENT THEREUPON ATTACHES TO THE PROVISIONS OF LAW IN QUESTION. THE STATE LEGISLATURE, INDISPUTABLY DETERMINED THAT ONCE ATTACHED TO THE S.C. CONSTITUTION, ALL PROVISIONS OF DUE PROCESS LAW, THEREUPON ATTACHED, THE LAW IN QUESTION ADHERENCE BECOMES "MANDATORY", "DRACONIAN" IN NATURE, CREATING A "[J]URISDICTIONAL [C]HALLENGE" AND OR "[J]URISDICTIONAL [D]EFFECT" FOR FAILURE TO BE

IN COMPLIANCE THERETO. THE APPLICANT FILED THE INITIAL PCR APPLICATION ON FEBRUARY 20, 2020. THIS GAVE THE PROSECUTOR AND COURT OF COMMON PLEAS UNTIL FEBRUARY 20, 2021 TO CONCLUDE THE APPLICANT'S DUE PROCESS MATTERS BEFORE THIS COURT. THEY ARE AT MINIMUM (30) DAYS PAST THE TIME FRAME GIVEN TO THEM BY DUE PROCESS LAW. IF THEY HAD AN ISSUE WITH THE CORONAVIRUS? THEY SHOULD HAVE GOTTEN THE APPLICANT BEFORE THE COURT TO OBTAIN A CONTINUANCE AS IS REQUIRED BY LAW AND THE APPLICANT'S RIGHTS OF DUE PROCESS. ON TOP OF THIS INJUSTICE, THE ISSUE OF WHETHER OR NOT AN ATTORNEY SHOULD BE APPOINTED HAS NOT BEEN TIMELY ADDRESSED PLACING THE STATE IN FORFEITURE AS WELL AS IN VIOLATION OF THE PROSCRIBED DEADLINE SET IN PLACE BY THE S.C. SUPREME COURT AND THE S.C. STATE LEGISLATURE PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION WHICH VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION. FOR THE PROSECUTOR AND COURT(S) INVOLVED TO ALLOW THE LANGFORD CASE IN ACTS OF FRAUD UPON THE COURT AND IN AN ABUSE OF DISCRETION TO BE PERMITTED TO BE CONSTRUED TO MEAN THAT THEY ARE ALLOWED TO BLATANTLY IGNORE THE CONSTITUTIONAL DUE PROCESS PROTECTIONS PLACED UPON INMATES BY THE STATE LEGISLATURE RENDERS ALL PROCEEDINGS IN QUESTION, THOSE SUBSEQUENTLY ATTACHED AND THE CONVICTIONS RELATED THERETO UNCONSTITUTIONAL, A VIOLATION OF THE SEPARATION OF POWERS CLAUSE, A VIOLATION OF DUE PROCESS AND VOIDS THE COURT(S) INVOLVED JURISDICTION WHERE THESE MATTERS

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ARE TO BE ADJUDICATED UNDER "THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION". THUS, THE COURT(S) BEING GIVEN JURISDICTION BY LEGISLATIVE PROVISIONS OR THE ABUSE OF DISCRETION PRODUCED BY THE STATE v. GENTRY CASE WOULD NOT PREVENT THE ISSUES FROM BEING HEARD UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. DUE TO THE FAILURE TO CONCLUDE THE PCR CASE IN THE COURT OF COMMON PLEAS BY THE TIME FRAME SET IN PLACE BY THE S.C. LEGISLATURE VIA THE LAW BEING ATTACHED TO THE S.C. CONSTITUTION. THE FAILURE TO BE IN COMPLIANCE PLACES THE STATE IN FORFEITURE ON THE CAUSE OF CONVICTION, ALSO VIA THE CLAIMS ARGUED WITH THE POST CONVICTION RELIEF APPLICATION THAT ESTABLISHES THIS CASE, AND ANY DETERMINATION TO THE CONTRARY WOULD VIOLATE THE SEPARATION OF

POWERS CLAUSE, THE U.S. CONSTITUTION AND DUE PROCESS LAW. THE SEPARATION OF POWERS CLAUSE AND THE PLAIN MEANING RULE PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONST. ARE TRIGGERED, BANK MARKAZI v. PETERSON, 136 S.Ct. 1310, 194 L.Ed.2d. 463, 84 U.S.L.W. 4222 (U.S.2016); U.S. v. BASTON, 818 F3d. 651 (11th.Cir.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); STAR ATHLETICA, LLC. v. VARSITY BRANDS, INC., 137 S.Ct. 1002, 197 L.Ed.2d. 354, 85 U.S.L.W. 4139 (U.S.2017); ENCINO MOTOR CARS, LLC. v. NAVARRO, 136 S.Ct. 2117, 195 L.Ed.2d. 382, 84 U.S.L.W. 4424. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. REVERSAL IS REVERSAL, REGARDLESS OF REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL, WHICH OF COURSE INCLUDE THE MATTERS RELATED TO THE POST CONVICTION RELIEF APPLICATION THAT IS FILED WITHIN THIS CASE, PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cali.2017); UNITED STATES v. AJRAWAT, --Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018).

ANY JUDGMENT, JUDICIAL ACT OR DETERMINATION, OR LACK THEREOF, SUCH AS IN THIS CASE, THAT DEFIES "JUSTICE AND FAIRNESS", OR CONVICTION ATTACHED, THAT IS CONTRARY TO THE CONSTITUTION AND DUE PROCESS LAW IS VOID, WELL FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MOSELY v. UNITED STATES, 2018 WL 1187778 (W.D.N.C.2018); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018).

THE UNITED STATES SUPREME COURT MADE EFFORTS TO ADDRESS SIMILAR MATTERS UNDER BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016). THE U.S. SUPREME COURT DETERMINED THAT A PERSON DOES HAVE A RIGHT TO A SPEEDY TRIAL PRIOR TO CONVICTION. BUT THIS IS NOT WHAT THE APPLICANT IS ARGUING SINCE THE PROVISION OF LAW IN QUESTION CLEARLY STATES IN ITS CONCLUSION, "THIS DOES NOT DEFINE THE DEFENDANT'S RIGHT TO A SPEEDY TRIAL". STILL THE SUPREME COURT MADE EFFORTS TO ADDRESS THE STATES HAVING THESE

VARIOUS TIME FRAMES AND DUE PROCESS PROVISIONS IN PLACE VIA THEIR VARIOUS STATES CONSTITUTIONS. EVEN THOUGH THE U.S. SUPREME DID DETERMINE THAT THE DEFENDANTS MAY INDEED HAVE A 5TH. AND 14TH. AMENDMENT CONSTITUTIONAL REMEDY AVAILABLE. THIS IS ONLY ONE OF THE PROVISIONS THE APPLICANT IS ARGUING THIS ISSUE UNDER. THE APPLICANT IS ALSO ARGUING THE "SEPARATION OF POWERS" VIOLATION WHICH COMPOUNDS THE INJUSTICE THAT THE UNITED STATES SUPREME COURT NEVER EVEN CONSIDERED IN THE BETTERMAN CASE. THE APPELLANT IN THE BETTERMAN CASE MAY HAVE FAILED TO PROPERLY PRESENT THE CLAIM, BUT THE APPLICANT IN THIS CASE DOES NOT FAIL TO PROPERLY PRESENT IT. THE APPLICANT IS MASTER TO DECIDE WHAT LAW HE WILL RELY UPON AND THE LAW RELIED UPON IN THIS CASE IS DUE PROCESS, SUBJECT MATTER JURISDICTION, PROSECUTORIAL MISCONDUCT, 4TH., 5TH., 6th., 13TH., 14TH. AND 15TH. AMENDMENT VIOLATIONS, VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE, FRAUD UPON THE COURT AND VIOLATION OF THE SEPARATION OF POWERS CLAUSE VIA ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION AND ANY OTHER PROVISION OF LAW CITED WITHIN THIS DOCUMENT AND THE POST CONVICTION RELIEF APPLICATION ITSELF TO ADDRESS THIS AND ALL OTHER ISSUES OF CONCERN, THE FAIR v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410 (U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425 (U.S.1987); LANCASTER v. KAISER FOUNDATION, . . . , 958 F.Supp. 1137 (E.D.Va.1997); POWERS v. SOUTH CENTRAL UNITED FOODS & COMMERCIAL WORKERS, . . . , 719 F2d 760 (5th.Cir.1983). THE STATE OF SOUTH CAROLINA, ITS PROSECUTORS AND ITS COURT(S) HAVE BEEN CONCEALING AND CIRCUMVENTING CORRECTING THIS INJUSTICE IN ONE FORM OR THE OTHER EVEN PRIOR TO ITS ADJUDICATION OF THE LANGFORD AND GENTRY CASES IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE, THE SEPARATION OF POWERS CLAUSE, FRAUD UPON THE COURTS INVOLVED AND DUE PROCESS LAW. THIS INJUSTICE MUST BE CORRECTED NOW. IT IS WELL SETTLED THAT WILLFUL BLINDNESS AND CONSCIOUS AVOIDANCE IS THE LEGAL EQUIVALENT TO KNOWLEDGE, GLOBAL-TECH APPLIANCES, INC. v. S.E.B., S.A., 563 U.S. 754, 131 S.Ct. 2060, 179 L.Ed.2d. 1167 (U.S.2011); U.S. v. FERGUSON, 676 F3d. 440, 105 Fed. R. EVID. SERV. 207(1st.Cir.2017); U.S. v. JINWRIGHT, 683 F3d. 471

(4th.Cir.2012).

SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY STAGE, AT ANY TIME, EVEN FOR THE FIRST TIME ON APPEAL, EVEN AFTER A FINAL ORDER OR JUDGMENT HAS BEEN ENTERED BEFORE ANY OF THE COURTS INVOLVED, CANNOT BE WAIVED OR FORFEITED BY THE APPLICANT AND THE COURT(S) "[S]HALL [N]OT" FAIL TO TAKE NOTICE, STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INSURANCE COMPANY, 2020 WL 60932 (S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS L.P., 2019 WL 5847879, \* 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, \* 1, W.D.Tex..

THE COURT OF COMMON PLEAS AND THE CHIEF ADMINISTRATIVE JUDGE IN THIS INSTANCE, HAS AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER SUBJECT MATTER JURISDICTION EXIST BASED UPON THE JURISDICTIONAL PLEADING PLACED BEFORE THE COURT AND THEY CANNOT IN ACTS OF FRAUD UPON THE COURT BE SILENT VIOLATING THEIR OATH OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTIONS AND THEIR FIDUCIARY DUTY IN ADDRESSING THESE SUBSTANTIAL DUE PROCESS AND SUBJECT MATTER JURISDICTION CLAIMS. SUCH MUST BE DETERMINED IN ABSENCE OF CHALLENGE FROM ANY PARTY, SORRINGWIND ENERGY, LLC. v. CATIC U.S.A. INCORPORATED,--F3d.--, 5TH. Cir.(Tex.); 460 S. LAKE AVENUE, LTD. v. APPLETON, 2019 WL 7184737, \* 1 C.D.Cal. .  
SLAYTON v. JOHNSON AND JOHNSON, 2019 WL 7208414, \* 1 C.D.Cal..

WITHOUT JURISDICTION, THE COURT CANNOT PROCEED AT ALL IN ANY CAUSE; JURISDICTION IS POWER TO DECLARE LAW, AND WHEN IT CEASE TO EXIST, THE ONLY FUNCTION REMAINING TO THE COURT IS THAT OF ANNOUNCING THE FACT AND DISMISSING THE CAUSE AGAINST THE APPLICANT RELATED TO THE CONVICTION, ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235(U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168(Fed.Cl.2020). AT THIS JUNCTURE, THE CHIEF ADMINISTRATIVE JUDGE HAS AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER THE COURT OF COMMON PLEAS JURISDICTION HAS NOW BEEN MADE VOID FOR THE

UNCONSTITUTIONAL ACTION ARGUED. IN FUNDAMENTAL FAIRNESS TO THE APPLICANT, THE CASE MUST BE ADVANCED ON THE DOCKET AND THE APPLICANT AND ALL NECESSARY PARTIES BE IMMEDIATELY BROUGHT BEFORE THE COURT FOR A HEARING OR ALL FACTS ASSERTED BE AFFIRMED IN THE RECORD AND THE SENTENCE AND CONVICTION BE VACATED. THE STATE IS IN FORFEITURE ON THE CAUSE, HICKS v. HEART OF HOSPICE, LLC., 2019 WL 6255496(N.D.Miss.2019); KRIKORIAN v. FORD MOTOR COMPANY, 2019 WL 7042939 (S.D.Ala.2019).

ALTHOUGH COURTS ARE GENERALLY LIMITED UNDER ADVERSARIAL SYSTEM TO ADDRESSING THE CLAIMS AND REQUIREMENTS ADVANCED BY THE PARTIES, THE CHIEF ADMINISTRATIVE JUDGE VIA HIS ARTICLE V POWERS AND COURT OF COMMON PLEAS HAVE AN INDEPENDENT OBLIGATION TO ENSURE THAT THE COURT OF COMMON PLEAS AND PARTIES INVOLVED HERE DO NOT EXCEED THE SCOPE OF THEIR JURISDICTION, ESPECIALLY IN LIGHT OF THE FACT, THAT WE CLEARLY HAVE A SEPARATION OF POWERS ISSUE MANIFESTING ITSELF WHERE THE PROSECUTOR AND COURT HAS GONE BEYOND THE TIME FRAME TO CONCLUDE THESE MATTERS IN VIOLATION OF THE S.C. CONSTITUTION AND DUE PROCESS LAW. THE ADMINISTRATIVE JUDGE AND PARTIES MUST RAISE AND DECIDE JURISDICTIONAL QUESTIONS THAT THE PARTIES EITHER OVER LOOKED OR ELECT NOT TO PRESS (EMPHASIS ADDED) WHICH REQUIRE THE ADMINISTRATIVE JUDGE TO NOW ADDRESS THE MERITS OF THE CLAIMS PRESENTED. THE APPLICANT OBJECTS AND MOVES TO VACATE THE SENTENCE AND CONVICTION AND MOTIONS FOR FORFEITURE ON THE CAUSE, JEFFERS v. J.P. MORGAN CHASE & CO., 2019 WL 6255311, \* 1, S.D.Tex.; ANTHONY W. HALL, PLAINTIFF v. FRENKEL, LAMBERT...., 2020 WL 136658, \* 2, E.D.N.Y.; DAVIS v. PALUMBO, 2019 WL 6915949, \* 1, W.D.MO..

FOR INORDINATE DELAY AS A PRETRIAL DETAINEE THE SPEEDY TRIAL PROVISION DOES APPLY, BUT THIS IS NOT WHAT THE APPLICANT IS SPECIFICALLY ARGUING. IN THIS SITUATION AS IT RELATES TO THE MATTERS IN THEIR TOTALITY, A DEFENDANT POTENTIALLY HAVE OTHER RECOURSE, INCLUDING, IN APPROPRIATE CIRCUMSTANCES, TAILORED RELIEF UNDER THE DUE PROCESS CLAUSE OF THE 5TH. AND 14TH. AMENDMENTS. THE UNITED STATES SUPREME COURT HAS FOUND THAT THE

DUE PROCESS CLAUSE ALSO PROTECTS THE DEFENDANT'S RIGHT TO DIRECT AND OR COLLATERAL APPEAL WHEN THE RIGHT IS GUARANTEED BY THE STATE, EVEN THOUGH THE CONSTITUTION DOES NOT REQUIRE STATES TO GRANT THE RIGHT, SEE E.G. EVITT, 469 U.S. AT. 393, 105 S.Ct. AT. 834. DUE PROCESS REQUIRES THAT 'A RIGHT TO APPEAL BE A RIGHT TO "AN ADEQUATE AND EFFECTIVE APPEAL", WHICH THE APPEAL CANNOT BE DEEMED "ADEQUATE OR EFFECTIVE" IF THE COURT AND PROSECUTORS ARE PERMITTED TO STRIP FROM THE DEFENDANT OF "MANDATORY", "DRACONIAN" PROTECTIONS SET IN PLACE BY THE STATE LEGISLATURE(S) RELATED TO TIME LINES OF CONCLUSION OF THE DEFENDANT'S DUE PROCESS MATTERS THAT ARE PRECURSOR, RELATED, TO THE INITIATING OF A TIMELY APPEAL, WHICH IS MORE THAN A "MEANINGLESS RITUAL" ID AT. 393, 394, 105 S.Ct. AT. 834 QUOTING GRIFFIN v. ILLINOIS, 351 U.S. 12, 18, 76 S.Ct. 585, 590, 110 L.Ed. 891(1956) AND DOUGLAS v. CALIFORNIA, 372 U.S. 353, 359, 83 S.Ct. 814, 817, 9 L.Ed.2d. 811(1963). DUE PROCESS FURTHER PROTECTS NOT ONLY THE RIGHT "TO OBTAIN A FAVORABLE DECISION", BUT ALSO THE RIGHT "TO OBTAIN A DECISION ON ALL MERITS OF THE CASE", EVITTS, 469 U.S. AT. 395n. 6, 105 S.Ct. AT. 835n. 6 (EMPHASIS ADDED). IN SHORT, A CONVICTED DEFENDANT HAS A RIGHT TO KNOW WHAT THE SENTENCE OR FINAL DISPOSITION OF HIS PCR IS TO BE, AND TO PROCEED WITH A DIRECT AND OR COLLATERAL APPEAL WITHIN THE TIME FRAME SET IN PLACE BY THE S.C. SUPREME COURT AND STATE LEGISLATURE BY THE PROVISIONS OF LAW

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~~PRESENTLY ARGUED BEFORE THIS COURT WHICH CANNOT BE ILLEGALLY,~~  
SUBTLY OR FORCIBLY EXPANDED OR THERE IS CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE AND DUE PROCESS CLAUSE WHICH WOULD RENDER THE COURT(S) INVOLVED JURISDICTION VOID FOR UNCONSTITUTIONAL ACTION.

THE SUPREME COURT HAS BEEN CLEAR IN ITS REASONS FOR EXTENDING THE MEANINGFUL PROCEDURAL PROTECTION OF DUE PROCESS TO APPEALS, DIRECT OR COLLATERAL, WHICH THE PROSECUTOR AND COURT BLATANTLY IGNORED BY ALLOWING THE PROSECUTOR TO GO BEYOND THE (365) DAY MANDATE SET IN PLACE BY THE S.C. SUPREME COURT AND THE S.C. LEGISLATURE UNDER ARTICLE V § 4 AND ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION, AS A RIGHT. BY DECIDING THAT THE

APPEAL IS SO IMPORTANT THAT IT MUST BE AVAILABLE AS A MATTER OF RIGHT, AND THIS HAS BEEN COMPOUNDED AND SUPPORTED BY THE S.C. SUPREME COURT AND THE STATE LEGISLATURE'S INTENT PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION PRODUCING SPECIFIED AND CLEAR TIMETABLES, WHERE A STATE HAS, MADE THE APPEAL THE FINAL STEP IN THE ADJUDICATION OF GUILT OR INNOCENCE OF THE INDIVIDUAL, ID. AT. 404, 105 S.Ct. AT. 840; BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723, 84 U.S.L.W. 4293 (U.S.2016); UNITED STATES v. JAMES, 712 Fed. Appx' 154, 161+ 3rd.Cir.(N.J.).

IN REFERRING BACK TO THE ISSUE OF THE PROVISION OF LAW IN QUESTION BEING MADE "MANDATORY", "DRACONIAN" ONCE THE S.C. SUPREME COURT BY ITS DISCRETIONARY POWER ENSURED IT WAS ATTACHED TO THE SOUTH CAROLINA CONSTITUTION SUPPORTED BY ARTICLE 1 § 23. IN CONSTRUING STATUTES, WORDS MUST BE GIVEN THEIR PLAIN AND ORDINARY MEANING WITHOUT RESORT TO SUBTLE OR FORCED CONSTRUCTION IN AN ATTEMPT TO EXPAND THE STATUTE AS THE COURTS DID HERE REGARDING THE LANGFORD CASE. ONCE IT IS REQUIRED THAT THE DEFENDANT'S DUE PROCESS MATTERS BE CONCLUDED WITHIN (180) DAYS AND OR (365) DAYS REVISED IN 2013 FOR PRETRIAL MATTERS, AND OR (365) DAYS FOR PCR AND CIVIL MATTERS, WHETHER PRETRIAL OR PCR OR CIVIL, WHICHEVER IS APPLICABLE, IT IS REQUIRED THAT A TIMELY FILED ~~"[W]RITTEN" (EMPHASIS ADDED) ORDER OF CONTINUANCE EXIST AND~~ OR BE OBTAINED, TO GO BEYOND THE PROSCRIBED TIME FRAME SET IN PLACE BY THE S.C. SUPREME COURT AND OR STATE LEGISLATURE. THE COURTS AND PROSECUTORS CANNOT SUBTLY OR FORCIBLY EXPAND THE STATUTE UNDER THE FRAUDULENT, MISREPRESENTING GUISE OF THE PROSECUTOR BEING ABLE TO CONTROL HIS DOCKET ALLOWING HIM TO NEGATE, DIMINISH, OR WATER DOWN OTHER SUBSTANTIAL, CLEARLY ESTABLISHED, UNAMBIGUOUS CONSTITUTIONAL AND DUE PROCESS PROTECTIONS, EVEN THOSE SET IN PLACE BY THE S.C. LEGISLATURE, SUCH AS THE ONES MENTIONED IN THIS CASE. IT WOULD AUTOMATICALLY VIOLATE THE SEPARATION OF POWERS CLAUSE, VIOLATE THE DUE PROCESS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER

JURISDICTION WHERE THE COURTS BEING GIVEN JURISDICTION UNDER THE LEGISLATIVE PRONG WOULD BE NO DEFENSE ON THE PART OF THE COURTS, PROSECUTORS AND STATE ACTORS, STATE v. LOCKLAIR, 341 S.C. 352, 535 S.E.2d. 420(S.C.2000); HINTON v. SOUTH CAROLINA DEPT. OF PROBATION, PAROLE AND PARDON SERVICES, 357 S.C. 327, 592 S.E.2d. 335 (S.C.2004); ODOM v. TOWN OF McBEE ELECTION COMMISSION, 427 S.C. 305, 831 S.E.2d. 429 (S.C.2019); HUCK v. OAKLAND WINGS, LLC., 422 S.C. 430, 813 S.E.2d. 288 (S.C.2018); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); WELLS FARGO BANK N.A. v. H.M.H. RIMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599 (U.S.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016).

THE WISDOM OF THE STATUTE, SUCH AS ARTICLE 1 § 23 AND OR ARTICLE 12 § 2 OR ANY OTHER REFERRED TO IN THIS CASE, WHERE "[S]HALL" IS MANDATORY, IS NOT THE CONCERN OF THE COURTS; IF THE CHALLENGED STATUTE OR THAT LAW WHICH IS RELIED UPON DOES NOT VIOLATE THE CONSTITUTION OR DUE PROCESS IT MUST STAND AND BE SUSTAINED MAKING THE PROVISION OF LAW THAT HAS COME UNDER SCRUTINY HERE "MANDATORY", "DRACONIAN", HODGES v. RAINEY, 341 S.C. 79, 533 S.E.2d. 578 (S.C.App.2000); BESSINGER v. R-N-M BUILDERS & ASSOCIATES, LLC., 421 S.C. 349, 806 S.E.2d. 731(S.C.App.2017); MARSHALL v. DODDS, 417 S.C. 196, 789 S.E.2d. 88 (S.C.App.2016); I.N.S. v. CHADHA, 462 U.S. 919, 103 S.Ct. 2764, 77 L.Ed.2d. 317 (U.S.1983); MILLER v. DAVIS, 56 Kan. App.3d. 39, 423 P.3d. 1044 (Kan.2018); STATE EX REL BIAFORE v. TOMBLIN, 236 W.Va. 528, 782 S.E.2d. 223 (2016); MEJIA v. TIME WARNER CABLE INC., 2017 WL 3278926(S.D.N.Y.2017).

MEMBERS OF THE COURT ARE INVESTED WITH THE AUTHORITY TO INTERPRET LAW, BUT THEY POSSESS NEITHER THE EXPERTISE NOR THE PREROGATIVE TO MAKE POLICY JUDGMENTS SUCH AS THE PROSECUTORS BEING ABLE TO CONTROL THEIR DOCKET BY VIOLATING CLEAR LEGISLATIVE INTENT IGNORING THE PLAIN MEANING RULE THAT ATTACHES TO THESE

PROVISIONS OF LAW IN QUESTION GIVING WAY TO SUBTLE OR FORCED CONSTRUCTION OF THE STATUTES INVOLVED. THESE DECISIONS ARE ENTRUSTED TO THE LEGISLATURE WHO DECIDED ONCE ATTACHED TO THE SOUTH CAROLINA CONSTITUTION THE PROVISIONS OF LAW THAT ARE AT THE HEART OF THESE MATTERS HERE NOW BECOME "MANDATORY", "DRACONIAN", UNLESS THERE IS SOME SPECIFIC LANGUAGE CONTAINED WITHIN THE PROVISION OF LAW THAT WOULD DICTATE OTHERWISE WHICH OBVIOUSLY, THERE IS NOT ANY SUCH CONTRARY LANGUAGE THAT EXIST IN THE STATUTES ARGUED. THE INJUSTICE, PREJUDICE AND DUE PROCESS VIOLATIONS ARE OVERWHELMING REQUIRING THE CONVICTION(S) TO BE RENDERED UNCONSTITUTIONAL AND THE COURTS INVOLVED JURISDICTION BE MADE VOID FOR THIS UNCONSTITUTIONAL ACTION. THE STATE IS IN FORFEITURE. THE PETITIONER MOVES FOR THIS BEFORE THE CHIEF ADMINISTRATIVE JUDGE, NATIONAL FEDERATION OF INDEPENDENT BUSINESS v. SEBELIUS, 567 U.S. 519, 132 S.Ct. 2566, 183 L.Ed.2d. 450(U.S.2012); STEGALL v. T.M.C. MULTI-STATE INTER-GOVERNMENTAL EMPLOYEE BENEFITS POOLS, INC., 2019 WL 4855226, S.W. Rptr. (Tex.2019); IN RE: BORDER INFRASTRUCTURE ENVIRONMENTAL LITIGATION, 284 F.Supp.3d. 1092(S.D.Cali.2018); U.S. v. RON PAIR ENTERPRISES INC., 489 U.S. 235, 109 S.Ct. 1027, 103 L.Ed.2d. 290(U.S.1989); IN RE: ARGON CREDIT, LLC., --B.R.--, 2017 WL 4404269 (2017); UNITED STATES v. STE-BRI ENTERPRISES, INC., 2017 WL 4226873(D.C.OHIO.2017).

INSOMUCH, IF YOU TAKE A FATALLY DEFECTIVE INDICTMENT AND BRING IT BEFORE THE CRIMINAL COURT FOR THE SAKE OF FRAUDULENTLY PROCURING A CONVICTION, DEPRIVING THE DEFENDANT OF PROPER AND FAIR NOTICE OF THE "[C]AUSE AND [N]ATURE" OF THE ACCUSATION(S) BEING LEVIED AGAINST HIM DENYING HIM THE CONSTITUTIONAL DUE PROCESS RIGHT TO KNOW EXACTLY WHAT IT IS THAT HE IS CALLED UPON TO MEET AND DEFEND, CONSTRUCTIVELY AMENDING THE INDICTMENT(S) ALL OVER THE PLACE ON ESSENTIAL ELEMENTS OF THE OFFENSE(S). THEN YOU COUPLE THIS WITH THE OTHER EGREGIOUS VIOLATIONS ARGUED WITHIN THIS DOCUMENT AND OR THE APPLICANT'S PCR APPLICATION, VIOLATING DUE PROCESS LAW PRODUCING OVERWHELMING PREJUDICE AS PRESENTED. SUCH ACTION AND INJUSTICE DONE WITHIN THE PROCEEDINGS RENDER THE

PROCEEDINGS UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION FOR THAT UNCONSTITUTIONAL ACTION WHICH IS TO BE ADJUDICATED UNDER THE "DUE PROCESS PRONG" TO SUBJECT MATTER JURISDICTION. THE ADDITIONAL LITIGATION SUBMITTED IN SUPPORT OF THIS ISSUE AND THE SEEKING OF DEFAULT AND JUDGMENT IS SEEN WITHIN THE APPLICANT'S SUBMITTED PCR APPLICATION FILED WITHIN THIS CASE.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES SUCH AS THE ONES BEING ARGUED WITHIN THIS CASE. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDE FRAUD. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDING, CONFIRMING ALSO THAT "FRAUD AND UNCONSTITUTIONAL ACTION VITIATES EVERYTHING". AN UNCONSTITUTIONAL LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION IS "VOID" AND IS AS IF THERE WERE NO LAW AND OR ACT AND OR AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR STATUTE MADE OR DONE AT ALL, BEING STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE WHICH HAVE JURISDICTIONAL RAMIFICATIONS AS WELL. THE GENERAL RULE IS THAT AN

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~~UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE~~

STATUTE AND OR ACT AND OR CRIMINAL CONVICTION AND OR LAW, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS "WHOLLY VOID" AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE ANY JUDICIAL DETERMINATION OR CONVICTION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT AND OR WHEN IT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR LAW AND OR ACT IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO MAINTAIN THE CONVICTION), CONFERS NO RIGHTS (THE STATE HAS NO RIGHT TO THIS ILLEGAL CONVICTION PRODUCED BY FRAUD AND VIOLATIONS OF DUE PROCESS LAW.), CREATES NO OFFICE (JUDICIAL, PROSECUTIONAL OR

OTHERWISE), BESTOWS NO POWER OR AUTHORITY ON "ANY PERSON" (EMPHASIS ADDED)[WHICH MEANS THAT YOUR JURISDICTION IS MADE VOID PLACING THE STATE AND COURT(S) INVOLVED IN FORFEITURE], AFFORDS NO PROTECTION (THE COURTS AND PROSECUTORS ARE NOT IMMUNE IF THEY FAIL TO CORRECT THIS INJUSTICE WHICH VIOLATES THEIR OATHS OF OFFICE.), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (SUCH AS YOU MAINTAINING THE CONVICTION)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE WHERE HERE IT IS COUPLED BY THE FRAUD UPON THE COURT THAT OCCURRED RELATED TO THESE ISSUES. AN UNCONSTITUTIONAL LAW AND OR STATUTE AND OR CRIMINAL CONVICTION CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW OR BE PERMITTED TO DEPRIVE A DEFENDANT OF LIBERTY. INDEED INSOFAR AS A CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR ACT RUNS COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S. CONSTITUTION, DUE PROCESS LAW, THAT INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL LAW AND OR JUDICIAL DETERMINATION. A REVERSIBLE CONVICTION IS REVERSIBLE, REGARDLESS OF THE REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. ALL RULES, STATUTES, PRACTICES (LIKE THE FRAUD, OBSTRUCTION, CRIMINAL CONSPIRACY AND MACHINATION ENGAGED IN BY THE PARTIES INVOLVING THESE LEGAL ISSUES.), WHICH ARE REPUGNANT TO THE U.S. CONSTITUTION ARE "NULL" AND "VOID", UNITED STATES v. LIBOUS, 858 F3d. 64 (2nd.Cir.2017); CITY OF LEBANNON v. MILBURN, 286 Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cali.2017); UNITED STATES v. AJRAWAT, --Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016); MARTIN v. UNITED STATES, 2018 WL 1626578, \* 2, D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 28 F3d. 1123 CRIM. LAW 1163(1),

1165(1); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES;--S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEFT OUTDOORS, LLC. v. CONSOLIDATION CITY OF INDIANAPOLIS\*\*\*, 187 F.Supp.3d. 1002, 1012, S.D.ILL.; HILL v. SNYDER, 821 F3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423(2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); WELLS FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295(4th.Cir.2017); MOSLEY v. UNITED STATES, 2018 WL 1187778 (N.C.2018).

RESPECTFULLY SUBMITTED,  
BENJAMIN ERIC CASE



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MARCH 20, 2021

THE STATE OF SOUTH CAROLINA )  
THE COUNTY OF GREENVILLE )

THE COURT OF COMMON PLEAS  
THE 13TH. JUDICIAL CIRCUIT

BENJAMIN ERIC CASE )

APPLICANT )

CASE 2020-CP-23-01050

**RECEIVED**

Vs. )

DEC 17 2020 )

AFFIDAVIT OF SERVICE

SC Court of Appeals )

THE STATE OF SOUTH CAROLINA )

RESPONDENT )

**RECEIVED**

7 2020

of Appeals

I, BENJAMIN E. CASE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR  
SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;  
MOTION TO CHALLENGE THE COURT OF COMMON PLEAS JURISDICTION;  
MOTION FOR DEFAULT AND JUDGMENT; AND MOTION TO MOTION THEREFOR,  
ON THE GREENVILLE COUNTY CHIEF ADMINISTRATION JUDGE, THE  
GREENVILLE CLERK OF COURT, THE 13TH. CIRCUIT SOLICITOR'S OFFICE  
AND ALL INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID, BY  
DEPOSITING IT IN THE INSTITUTION MAIL BOX ON MARCH 20, 2021.

RESPECTFULLY,

BENJAMIN E. CASE



MARCH 20, 2021