

RECEIVED

JAN 06 2021

To whom it may concern,

My name is Genuine Truth Banner. My ~~Supreme Court~~ filed a petition for writ of Certiorari to the South Carolina Supreme Court on November 9th, 2020 and the state filed its return on December 9th, 2020. I am compelled to write to this court to highlight a few gross violations and denials of due process.

Firstly, the public index and case history for this case shows that two amendments were made to my PCR application. The first was requested by me, in prose on August 2nd, 2018 and was clocked by the clerk of court on September 11th, 2018. My PCR attorney also filed amendments that were signed and dated September 19th, 2019 and were clocked on September 23rd, 2019. The amendment I requested was a 14th amendment, due process violation resulting in an involuntary guilty plea.

On page 79 of the trial transcript, the trial judge stated that my 4th amendment right to privacy "was violated" during a search, but that he considered the violation to be "minimal". He then continued on in denying my pretrial motion to suppress. Somehow, that amended claim (my primary argument) was not included in the PCR application that was presented to the PCR court although the public index verifies that it was clocked by the clerk of court. Therefore, even though the claim was still raised verbally for the record and testimony was given by trial attorney to corroborate the claim, procedurally it did not have to be ruled upon by the PCR court and it wasn't. This essentially barred and censored that claim from review by this court or any other higher court.

This particular conspiracy began with my clocked September 11th, 2018 amendment not being added to the PCR application that was presented to the PCR court. This would be the work of a corrupt Clerk of Court. The conspiracy continues when the PCR court in its dismissal of my PCR, claimed that the September 11th, 2018 amendment was the work of my PCR attorney, although her request for amendments and the public index/case history clearly shows otherwise. This was a blatant attempt by several actors of the state to cover-up the exposed violations of other actors of the state, continue to deny due process and to censor the truth from review in a profoundly fascist form.

Also, I have recently briefed the F.B.I. and the D.O.J. of another conspiracy and other crimes committed by actors of the state revolving around the fact that the indictments are entirely forged. They were supposedly true billed on October 28th, 2016 (a day before the crime had been propagated to have happened) and they were supposedly clocked by the clerk of court on November 4th, 2016. However, the public index/case history shows that there were never any indictments had in the case. That said, the Solicitor perjured himself during pre trial motions/plea by insisting there were indictments and they were all true billed. In fact, conspiracy was had when he and the judge pretended to pass these indictments back and forth when in fact they did not exist at all.

Now the plea was an Alford plea and was "as indicted" and contained no admission of guilt. Therefore it is gross abuse of power, obstruction and failure of justice to have accepted such a plea after perjuring oneself, forging indictments, committing conspiracy after violating a persons 14th amendment rights in regards to a 4th amendment violation. Who are the criminals? This was nothing more than facism disguised as democracy and I ask this court to keep this in mind when deciding whether or not to grant certiorari.

1 THE COURT: Okay. All right. I'm not going to
2 suppress the evidence.

3 The testimony that's been presented to the Court on
4 this particular issue does indicate to the Court that the
5 officer when he went to the residence was responding to the
6 call that had been made about this license tag had been
7 stolen.

8 He -- you know, very -- to the defendant's detriment,
9 this was the same officer that had actually seen the car,
10 physically seen the car, before close to the bank robbery.

11 And you can't -- you can't take that out of the
12 officer's mind. He's the one responding to the report of
13 the stolen tag, was the same officer that had seen the car
14 earlier. So he was going out there as part of his job in
15 that investigation.

16 Sure. He was aware that there'd been a bank robbery
17 because he'd been out there before he received the other
18 reports.

19 I agree with the state that I think it was good police
20 work by the officer in the way that he handled it. If
21 there wasn't -- the Fourth Amendment stems around an
22 invasion of privacy, expectations of privacy.

23 I think if -- I'm not saying there wasn't -- that
24 privacy was violated. But if it was, it was done just in a
25 very minimal way by the police officer.

14th amendment, due process violating
statement made it impossible to receive
a fair trial.

14th amendment violation made
me understand that the court would
not act fairly much less give a fair trial
which made have to decide between a
unfair trial or a plea. Plea is Involuntary

I then attempted to plea and
appeal but my lawyer muffed
the appeal by not filing. My pro se
filing was dismissed as untimely.

1 You know, the car was in plain view from the road. He
2 could identify it being the same car. Anything that he
3 examined in the car was not something that was an invasion
4 of privacy, I think, as contemplated by the -- by the
5 Fourth Amendment to the point that it would need to be
6 excluded. So I'm not going to grant the present motion.

7 All right. Lawyers approach for a moment.

8 (Bench conference held off the record.)

9 THE COURT: We are going to step down for a few
10 moments.

11 (whereupon, a recess was taken.)

12 THE COURT: We'll go back on the record.

13 The Court has been made aware that discussions on
14 resolving the case have been taking place. The court is
15 not familiar with any great detail of what you've been
16 talking about, but I believe that we've reached the point
17 that, you know, getting ready for trials and bringing
18 people in and getting prepared becomes a factor, and in the
19 negotiations and in the discussions. So I believe that the
20 solicitor is going to place something on the record.

21 MR. BARNETTE: Yes, sir, Your Honor.

22 Your Honor, we had talked about negotiations before,
23 and the defendant rejected those negotiations.

24 I have talked to my folks, the victims, as well as the
25 law enforcement that's present here. And, like I said, we

I waited 16 months and 3 weeks
for a fair trial note kangaroo court,

Forged Indictments

The case history / public index shows there were no indictments clocked on this date. Therefore, these are rubber stamped forgeries created after the fact. Indeed Indictments never materialized until may 2020

Witness signature exactly the same on every indictment. Genuine signatures have some degree of variation. These are clearly copy pasted and therefore computer generated forgeries

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 NOV -4 AM 9:58
M. HOPE BLACKLEY

WITNESSES

Spartanburg County Sheriff's Office

1. RETURNED ✓

2. REPORTED ✓

3. CHECKED ✓

4. INDEXED ✓

CHECKED WARRANTS ✓

CHECKED SIGNATURE ✓

ARREST WARRANT NUMBER

2016A4210103272

2016A4210203086

ACTION OF GRAND JURY

True Bill OCT 28 2016

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 16-GS-42-5451

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 31 2016

TERM

THE STATE
v.

GENUINE TRUTH BANNER

Indictment for

ARMED ROBBERY (Count I)
BANK ROBBERY (Count II)

SC Code: 16-11-330 (A); 16-11-380(A); (D)(1)
CDR Code: 139; 0257
Class: FEL/A

True Bill Date one week before Oct 31, 2016 term listed ~~October 29th~~ as a cover-up, because the state originally thought I was arrested on October 29th, 2016 App. 135, 226, 91 line 7. Oct 28th true bill Date would have been during October 24th term

No real signature by foreperson of Grand Jury on any indictment.

RECEIVED
NOV 25 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on OCT 28 2016 , the Grand Jurors of Spartanburg County present upon their oath:

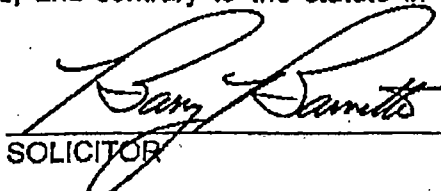
ARMED ROBBERY (Count I)

That the Defendant, Genuine Truth Banner, did in Spartanburg County on or ~~about August 29, 2016, while armed with a deadly weapon, or while~~ alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take property and/or currency from the Spartan Federal Credit Union located at 930 Charisma Drive, Spartanburg, SC, including but not limited to, cash, by means of force, violence, and/or intimidation with the intent to deprive the institution permanently of such property, in violation of §16-11-330 (A), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

BANK ROBBERY (Count II)

That the Defendant, Genuine Truth Banner, did in Spartanburg County on or about August 29, 2016, enter a building or part of a building occupied as a bank, depository, or savings and loan association named 930 Charisma Drive, Spartanburg, SC with the intent to steal money, securities for money, or property, by either force, intimidation, or threats and received U-S: Currency by demanding it from the teller(s), [REDACTED] and [REDACTED] with intent to deprive the owner permanently of such property, goods or monies in violation of Section 16-11-0380, THE 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.



SOLICITOR

In fact, the state could never produce indictments until it left state jurisdiction in May of 2020

Genuine Signature by Barry Barnette on ~~every~~ every indictment realistic variations included. These substantiated facts amount to a forged indictments.

public | Index | Case History

CASE HISTORY FOR CASE 2016A4210203086

Total: \$128.75 \$128.75 \$0.00

DATE	TIME	EVENT DESCRIPTION
9/1/2016	11:28 AM	Filing recorded: Filing/Filing of Initial Case - Image
9/2/2016	12:00 AM	C42LBYARS recorded the following Case Note: Case added to Roster 2366 - Initial Appearance on Thursday, October 20, 2016 at 9:00am. Roster Begin Date 2016-10-20 - End Date 2016-10-20
9/2/2016	9:31 AM	Filing recorded: Filing/Case File
10/3/2016	12:00 AM	C42CSMITH recorded the following Case Note: Witnesses, And Request For A Speedy Trial William J. Nowicki, Atty
10/3/2016	12:00 AM	C42CSMITH recorded the following Case Note: William J. Nowicki, Atty
10/3/2016	12:00 AM	C42CSMITH recorded the following Case Note: William J. Nowicki, Atty
10/3/2016	10:56 AM	Filing recorded: Letter of Representation from William J. Nowicki, Atty.
10/3/2016	11:01 AM	Filing recorded: Notice/Notice of Appearance
10/3/2016	11:03 AM	Filing recorded: Certificate/Certificate of Service
10/3/2016	11:08 AM	Notice & Motion For Production of Evidence, Disclosure of
10/17/2016	2:05 PM	Filing recorded: First Appearance Court Report
10/17/2016	2:43 PM	Filing recorded: Letter/Cover Letter from Atty. William J. Nowicki
10/17/2016	2:45 PM	Filing recorded: First Appearance Court Report
10/17/2016	2:49 PM	Filing recorded: Certificate/Certificate of Service
10/17/2016	12:00 AM	C42CSMITH recorded the following Case Note: William J. Nowicki, Atty
10/17/2016	12:00 AM	C42CSMITH recorded the following Case Note: William J. Nowicki, Atty
10/17/2016	12:00 AM	C42CPARRIS recorded the following Case Note: First Appearance Report
10/19/2016	12:13 PM	Filing recorded: Filing/Request for Discovery
10/26/2016	12:00 AM	C42CPARRIS recorded the following Case Note: Case removed from Roster 2366 - Initial Appearance on Thursday, October 20, 2016 at 9:00am. Roster Begin Date 2016-10-20 - End Date 2016-10-20
10/26/2016	12:00 AM	C42CPARRIS recorded the following Case Note: Case added to Roster 2373 - Second Appearance on Thursday, December 15, 2016 at 2:00pm. Roster Begin Date 2016-12-15 - End Date 2016-12-15
10/31/2016	12:00 AM	C42CSMITH recorded the following Case Note: William Nowicki, Atty
10/31/2016	12:00 AM	C42CSMITH recorded the following Case Note: William Nowicki, Atty
10/31/2016	2:21 PM	Filing recorded: Affidavit/Affidavit of Service Supplemental Discovery
10/31/2016	2:24 PM	Filing recorded: Affidavit/Affidavit of Service Discovery
11/2/2016	10:53 AM	Filing recorded: Notice/Letter of Representation
11/2/2016	10:55 AM	Filing recorded: Notice/Notice of Appearance
11/2/2016	11:01 AM	Motion/Notice & Motion for Production of Evidence
11/2/2016	11:10 AM	Filing recorded: Certificate/Certificate of Service
11/2/2016	12:00 AM	C42BHUNTER recorded the following Case Note: William J Nowicki Atty
11/2/2016	12:00 AM	C42BHUNTER recorded the following Case Note: William J Nowicki Atty
11/2/2016	12:00 AM	C42BHUNTER recorded the following Case Note: William J Nowicki Atty
12/12/2016	12:00 AM	C42CPARRIS recorded the following Case Note: restatus granted 12/12/16
12/21/2016	12:00 AM	C42CPARRIS recorded the following Case Note: Case removed from Roster 2373 - Second Appearance on Thursday, December 15, 2016 at 2:00pm. Roster Begin Date 2016-12-15 - End Date 2016-12-15
12/21/2016	12:00 AM	C42CPARRIS recorded the following Case Note: Case added to Roster 2558 - Restatus Appearance on Thursday, February 23, 2017 at 2:00pm. Roster Begin Date 2017-02-23 - End Date 2017-02-23
2/24/2017	12:00 AM	C42CPARRIS recorded the following Case Note: Case removed from Roster 2558 - Restatus Appearance on Thursday, February 23, 2017 at 2:00pm. Roster Begin Date 2017-02-23 - End Date 2017-02-23

Print Date: 12/03/2020
Print Time: 2:46:24PM
Requested By: C42TCAMP

CaseHistory.rpt V6.1

Page 2 of 4

No indictments listed on 11/4/16 as stamped on the forged indictments.

Sentencing Sheet

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.
Genuine Truth Banner

INDICTMENT/CASE#: 2016GS4205452
A/W#: 2016A4210103278
Date of Offense: 8/29/2016
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA: _____
Race: BLACK Sex: M Age: 27
DOB: [REDACTED] SS#: [REDACTED]
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

SENTENCE SHEET

Indictments not waived

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was 10-30 CONVICTED OF or PLEADS ALFORD
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon - COUNT ONE (1)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTORNEYS: [Signature] 13039 [Signature] 70432
BARNETTE, BARRY SC Bar# 3 Defendant [Signature] Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 512 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$	
§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 61.6 (Public Def/Probation)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)		\$	<u>3.75</u>
TOTAL		\$	<u>138.75</u>

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund

Other: no contact with victim

Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (07/2016)

Presiding Judge _____
Judge Code: 2/32
Sentence Date: 1/23/17

How did the Clerk of Court offer orders of commitment via a plea that was "as indicted" and the indictments weren't waived when no indictments existed? No indictments to this day are listed in the public index/case history. The forged indictments that were produced in May of 2020 after the case left the county's jurisdiction claims they were stamped on November 4th 2016 after being true billed on October 28th, 2016. Again, the case history shows this isn't true. That courtroom proceeding was a modern day lynching and I am currently Kidnapped by actors of the state of South Carolina.

Genuine Truth Banner #375165
Kirkland Correctional MSU-6
4344 Broad River Rd
Columbia, SC 29210

South Carolina Supreme Court
1231 Gervais St.
Columbia, SC 29201

COLUMBIA SC 290

04 JAN 2021 PM FOREVER USA



Barn Swallow

KCI MAILROOM RECEIVED
JAN 04 2021 JAN 06 2021
S.C. SUPREME COURT

29201-323699

