

JAN 22 2021

SC Court of Appeals

To whom it may concern,

On January 13<sup>th</sup>, 2021 I received correspondence from the South Carolina Supreme Court that my case was being moved to the Court of Appeals pursuant to rule 243(1). I am seeking to bring attention to the following issues for appellate review.

- 14<sup>th</sup> amendment, due process violation by the trial judge resulting in an involuntary plea where, at the conclusion of a motion to suppress, the trial judge stated that my 4<sup>th</sup> amendment right to privacy "was violated", but that he considered the violation to be "very minimal" and then continuing on in the denial of that motion. I have attached a copy of the statement from the trial transcript.
- Illegal search and seizure by the arresting officer when he came to the property to verify the vin number of a vehicle without a warrant and then called and requested a warrant after collecting that and other information. See *Collins Vs Commonwealth of Virginia* 138 S.Ct. 1663
- The sentencing sheets denote that the plea was "as indicted" while the entire case history shows there never was any indictments in the case. Indeed the indictments weren't waived.
- Ineffective assistance of counsel for failure to appeal and failure to seek to review indictments before the plea. See *Colby V State* 690 S.C. 2d. 73.

→ Prosecutorial misconduct due to the solicitor committing perjury by saying that indictments existed at the time of the plea and that they were "true billed" when in fact, as verified by the case history, there never were any indictments. Also, the solicitor engaged in conspiracy when he pretended to pass the "indictments" back and forth with the trial judge in order to trick me into thinking they existed. Also, the solicitor engaged in forgery when he created indictments to cover up the fact that he perjured himself at trial/plea hearing some two years after the hearing and added them as ~~██████████~~ evidence after the fact. In fact indictments never appeared until May 2020 when the case left the county's jurisdiction. Further Conspiracy was had when he got the Clerk of Court to rubber stamp the clearly forged indictments for November 4<sup>th</sup>, 2016 after claiming they were "true billed" on October 28<sup>th</sup>, 2016.

The case history report for the case reveals this is entirely fictitious and trial attorney cannot produce indictments as well. The forged indictments contain a copy-pasted computer generated "witnesses" signature that is identical from indictment to indictment. None contain an actual signature from the foreperson of grand jury. They claim to have been "true billed" on 10/28/2016 which would have been the 10/24/2016 term but they list that they were had in the 10/31/2016 term as a coverup because the state mistakenly quoted and propagated since trial that the crime occurred on 10/29/16 and so there'd be no way to have been indicted before the crime was propagated to have been committed.

- Also, even if the indictments were clocked on 11/4/16 as they claim, then there was no reason to deny my request for a fast and speedy trial that was clocked 10/3/16. All court records presented by the state after the trial / plea including the state's return & partial motion to dismiss pcr, and up to the state's return on the motion / petition for writ of certiorari indicate that I was indicted in the October, 2016 term without listing an exact date because the indictments never actually existed to have been reviewed for an exact date. All other actors of the state were simply propagating the solicitors lies unwittingly.
- 14<sup>th</sup> amendment, due process violation by the trial judge for accepting a plea that was "as indicted", contained no admission of guilt after illegally denying a suppression motion simply because they did not want me to go to trial when in fact, no indictments ever existed.

Every claim listed can be verified by closely reviewing the case history / public index and cross-referencing with state produced documents, or can altogether be derived from the court transcripts themselves. These absolutely abhorrent actions committed by these actors of the state of South Carolina amount to nothing less than Tyranny and Facism and I am asking for these issues to be reviewed by this court to bring the Truth to light.

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 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.

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

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.

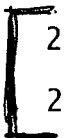
13 The Court has been made aware that discussions on  
14 resolving the case have been taking place. The Court is  
15 not familiar with any great detail of what you've been  
16 talking about, but I believe that we've reached the point  
17 that, you know, getting ready for trials and bringing  
18 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 not a kangaroo court.



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Kirkland Correctional MSU-6  
4344 Broad River Rd  
Columbia, SC 29210

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1220 Senate St.  
Columbia, SC 29201

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