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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY

Edgar W. Dickson, . Circuit Court Judge

CASE NO. 2021-000056

WILLIE YOUNG.....PETITIONER

v.

STATE OF SOUTH CAROLINA.....RESPONDENT

MOTION FOR BAIL PENDING APPELLATE REVIEW

COMES Now the above named petitioner in the referenced matter pursuant to SCACR rule 243(k) requesting the Honorable Supreme Court to grant bail pending review.

The authority to grant bail according to this rule will be exercised with great caution and observance of the following criterion(s);

A. PROBABILITY OF PREVALENCE

1. The Petition for Writ of Certiorari pending in the Supreme Court is one in which this petitioner assert(s) that his state and U.S. Constitutional right to Due Process have been violated. This petitioner has provided therein overwhelming evidence that the Grand Jury in which his indictment was returned, was unlawfully impaneled outside a General Session Court, as well as court term, therefore making his conviction, incarceration, and sentence illegal, null and void! attach.c

THE SOUTH CAROLINA CONSTITUTION ART. 1, § 11 1792 mandates; " NO person shall be held to answer for any crime unless on a presentment of indictment of a properly impaneled grand jury.U.S.C.A. 6,14 AMEND. S.C. Ann. 17-19-10

The above referenced requirements of both the U.S. and State Constitutions provide this petitioner with great confidence in the proceeding. The South Carolina Supreme Court governs and administers both state and u.s. statute(s) and provision(s), therefore, the petitioners clear demonstration, by record, that the bill of indictment returned against him was in violation of his Due Process rights! attach.d

Further, in the context of criminal justice a indictment not physically returned in " open court ", renders all proceeding's null and void. U.S. V. Renigar 172 F.646 (1909)

B. SERIOUSNESS OF THE CRIMINAL OFFENSE

The crime of Armed Robbery is a violent crime in the state of South Carolina, and though this petitioner was convicted of this violent crime, it was to this crime he plead his innocence to the courts. This petitioner ask's humbly that the courts attention also be directed to another extraordinary matter within the already unlawful indictment returned against him. The state alleged this petitioner committed the violent crime of armed robbery ' while he was arned with a deadly weapon being a handgun'.

ATTACH - A As a requisite, the state also indicted the petitioner for the possession of the weapon (firearm) during the commission of a violent crime (armed robbery). ATTACH B

It should be noted that the element that made this crime violent was a ' firearm', which the trial jury acquitted this petitioner! ATTACH B This fact, legally and lawfully changes the nature of this alleged crime.

C. DOES PETITIONER POSE THREAT TO COMMUNITY.

Prior to the petitioner being incarcerated for this crime twnty years ago, he had no criminal record or history of any kind. He at that time had a beautiful young family.....

at the young age of twenty-one years old. Now at the amazing age of forty-two years old this petitioner has greatly mature throughout his ordeal of being incarcerated and admits he has been reprimanded along the way , but that he was not a violent person.

If the petitioner's character during his incarceration will too, be observed in this assessment, he asks humbly that his youth, a 'significant factor' and one in which the lower court failed to consider while sentencing, be respectfully put in a more broadened perspective and entertain his actions, in which he takes full responsibility, be compared to that of a child who fails at a young age to understand the need for rule as he/she had/have not matured! However, this petitioner being incarcerated for this violent crime, along with being housed at the most dangerous facilities in scdc, has proven his nature and morale, wherein he has shown no physical violent tendencies, while humbly and miraculously protecting himself within this environment where many prisoners, who are still men, have been murdered and dangerously attacked and left to die!

The diligent effort by this petitioner to prove he has been the victim of malicious prosecution under the "real circumstances of death and danger" has been tiring and he has feared much, but attests to this court he has become an even better man and person he was before this unfortunate infringement on his life and liberty and asks this court for this gesture of forgiveness and faith!

CONCLUSION

Petitioner has provided evidence to establish he has, for twenty years, been incarcerated under all but certain legal procedures that are clearly 'contrary' to state and u.s. constitutional laws.

The petitioner has completed 65% of the thirty year sentence given to him unlawfully and illegally, now asks of this court to grant him this motion for bail.

THANK YOU SINCERLY /s/ Willie Young

DATE 4/20/2021