

RECEIVED

MAY 04 2021

TO THE SUPREME COURT OF SOUTH CAROLINA

S.C. SUPREME COURT

CALVIN L. GADDY 323551 * PETITIONER^x
-VS-

THE STATE OF SOUTH CAROLINA RESPONDENT ET AL

APPELLATE CASE NO: 2021-000415

LOWER COURT CASE NO: 2015-CP-2900637

INFORMAL COMPLAINT PART (1)st OF (2)nd

THE ABOVE, PETITIONER: STATED HIS PRO-SE LITIGANT:
WITHOUT ASSISTANCE OF COUNSEL, IF THIS COURT FINDS

-ANY- ERROR, PLEASE RE-TURN FOR ANY CORRECTION

NEED BE MADE. PETITIONER (ALSO) STATED THE:

KERSHAW C.I. LAW LIBRARY WAS CLOSED FOR [3 1/2 MONTHS]
DUE TO THE COVID 19th PANDEMIC. STATE INMATE, HAD NO

(ACCESS TO COURT) PETITIONER, HAD NO OPPORTUNITY GO STUDY

S.C. A.C.R. RULES OF COURT. PETITIONER HAD NO CONTROL

OF, LAW LIBRARY BEING CLOSED, DURING 3 1/2 MONTH PERIOD [STUDY]
TO PREPARE [NOTICE OF APPEAL] WITHIN 30 DAY [PERIOD]

THIS COURT ABOVE IN CAPTION, CHOSE TO

DISMISS PETITIONER [NOTICE OF APPEAL] ON A

[SIMPLE ERROR] MADE IN (A) [AFFIDAVIT] OF SERVING THE,

[OPPOSING COUNSEL]. ONCE AGAIN PETITIONER WAS (A)

PRO-SE LITIGANT. NOT (A) SKILLED LAWYER:

BY THIS COURT ACTION DISMISSING PETITIONER

(NOTICE OF APPEAL) FOR SIMPLE:

ERROR, CAUSE (BIAS) (PREJUDICE) TO:

PETITIONER DUE PROCESS OF LAW. 14th AMEND
VIOLATION DENIED ACCESS TO COURT'S

DURING THE COVID 19th PANDEMIC. PETITIONER WAS
WITHOUT ASSISTANCE COUNSEL.

LEGAL

GADDY-323551

MR. CALVIN L Gaddy 323551
KERSHAW C.T. H.C. 114#
4848 Gold Mine Hwy
KERSHAW S.C. 29069

PART "1"
=

TO: SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE.
CLERK OF COURT
POST-OFFICE BOX 11330
COLUMBIA, S.C. 29211

RECEIVED

APR 30 2021

PerCi
WINDOW

Gaddy
LEGAL
323551

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
Post-Office Box 11330
Columbia S.C. 29211

RECEIVED

MAY 04 2021

S.C. SUPREME COURT

INFORMAL COMPLAINT

This Court Above gave: [FALSE misleading] INFORMATION, petitioner never said, he

did not receive (A) ORDER OF DISMISSAL [10-16-20]

(OR) ORDER OF CONDITION ORDER: DISMISSAL his; APPLICATION FOR POST-CONVICTION RELIEF

~~This Court NEVER gave petitioner CHANCE CORRECT ERROR'S~~

SEE [CONCLUSION]

PROOF OF SERVICE

UNDER 28. U.S.C. 1746

APRIL 29th, 2021

The inclosed petitioner has Right's bring (A) ~~INFORMAL COMPLAINT~~ That Request, This Court Above, [R-E. Fused] For Any [ERROR'S] Need be (CORRECTED) bring INTO PROPER ORDER. This Court Choice (WAS) Not to do. (PREJUDICED) (BIASED) Petitioner due PROCESS OF LAW. OF EQUAL OPPORTUNITY 14th AMENDMENT * VIOLATION * This Court Above, (R-E. Fused) give petitioner CHANCE, CORRECT SIMPLE ERROR'S MADE.

TO: THE SUPREME COURT OF SOUTH CAROLINA
P.O. OFFICE BOX 11330
COLUMBIA S.C. 29211

Calvin L Gaddy " S.c. dc 323551, PETITIONER:

- V - S -

THE STATE OF SOUTH CAROLINA Respondent:
APPELLATE COURT CASE: 2021-000415
LOWER COURT CASE: 2015-CP-2900637

~~INFORMAL COMPLAINT~~ ** INFORMAL COMPLAINT **

~~INFORMAL COMPLAINT~~ → ~~PETITIONER NEVER SAID HE DIDN'T GET ORDER~~

THE ABOVE PETITIONER: MADE IT KNOWN, HE'S (A) *PRO SE. STATE INMATE* THE INFORMATION IN THIS [ORDER] OF NOTICE OF APPEAL, IS DISMISSED, IS [INCORRECT] PETITIONER SENT [AFFIDAVIT OF SERVICE] ON THE DATE OF APRIL 16th 2021. SEE: (EXHIBIT 1963)

*TO: U.S. SUPREME COURT SEE: LEGAL MAIL (1963) EXHIBIT'S *

*TO: S.C. ATTORNEY GENERAL * LEGAL MAIL (1963) EXHIBIT'S *

*TO: LANCASTER COUNTY COURT HOUSE * LEGAL MAIL (1963) EXHIBIT'S *

(SEE) EXHIBIT (A) (NOTARIZE) BY (NOTARY PUBLIC) 13th DAY APRIL: (2021st) MAIL OUT APRIL 16th 2021 [REACH ALL PARTIES]

THIS WAS (A) [SIMPLE ERROR] BY STATE INMATE WITHOUT ASSISTANCE OF COUNSEL [TO] DISMISS THIS [APPEAL].

[BIAS & PREJUDICE] PETITIONER 14th AMENDMENT. RIGHT OF EQUAL DUE PROCESS OF LAW: OF [SIMPLE] [ERROR'S]

XXX (ALSO) XXX

PETITIONER STATED, DURING COVID 19th, KERSHAW LIBRARY WAS CLOSED, FOR 3 1/2 MONTHS. SEE EXHIBIT (B)

~~COULD NOT GO STUDY RULE 221 S.C.A.C.R.~~

SEE EXHIBIT NEXT PAGE:

* CONTINUE *

(SO SIMPLE ERROR)
"NO" NAMES "PARTIES"
SERVE ON

Exhibit (A)

ONLY
ERROR
MADE
being PRO-SE:

AFFIDAVIT OF SERVICE

SWORN - AND - SUBSCRIBE BEFORE ME
ON THIS DATE^{BT} OF April 2021
Cathie A. Connor
NOTARY PUBLIC FOR STATE OF SOUTH CAROLINA
MY COMMISSION EXPIRES 12-22-2029

NOTARIZED
APRIL 13TH
2021

(A)
LEGAL DOCUMENTATION

x Calvin L. Gaddy
Calvin L. Gaddy 323551
Kershaw C.T. H.C. 114
4848 Gold Mine Hwy
Kershaw S.C. 29069

EXH. 6.7
(B)

CONCLUSION

OF NOTICE OF APPEAL

FOR [A] NEW STANDARD RE-VIEW
STATE OF LANCASTER COUNTY 6th JUDICIAL
CIRCUIT COURT LACKED - SUBJECT-MATTER JURISDICTION

SEE,

(PAGE 2nd OF ORDER)

WAS SIGNED ON DATE OF [10-16-20]

BY THE HONORABLE JUDGE BRIAN M. GIBBONS

THE KERSHAW C.I. (LAW LIBRARY WAS CLOSED)

FOR MORE THAN [3 1/2 MONTH] DUE TO THE COVI-19

VIRUS, THAT INMATE'S WAS ON QUARANTINE.

NO-WAY POSSIBLE GO TO (LAW LIBRARY) TO

EXPLAIN - (A) [DETAINED] [APPEAL] PETITIONER HAD

X NO CONTROL OVER BEING QUARANTINE X

* * SEE: RULE 203 S.C.A.C.R. * *

* * SEE: RULE 227 S.C.A.C.R. * *

PETITIONER, HAS [GROUND'S & MERIT] DISPUTE:

[A] * [INCORRECT HISTORY PROCEDURE] *

PETITIONER WAS NEVER TRULY: INDICTED, FOR SAID COMMITTED
CRIME - INDICTMENT - 2007-65-29-880 MURDER: S.C. CODE ANNS 16-3-10.

PETITIONER, - GOLD - IS GO [PUBLIC NOTICE] AFTER MAXING:
OUT: IN 2028 [SOUTH CAROLINA SUPREME COURT:]

IGNORED: ISSUE, OF - A - ILLEGALLY * GRAND JURY ACTIVITY X
WHERE, THERE... NO SUPPORTING * IMPANEMENT *:

DOCUMENTATION OF ACTION: OCCURRED, IN TERMS,

OF GENERAL SESSION August 02 2007: TRUE BILLING -
IN - LANCASTER COUNTY 6th JUDICIAL CIRCUIT COURT.

SEE: * AFFIDAVIT - OF - SERVICE * *

pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. ~~CONTINUE Exhibit~~ (B)

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby denied and dismissed with prejudice. Covid 19th VIRUS QUARANTINE OVER 90th DAYS

This Court hereby advises Applicant he must file and serve a Notice of Appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

(scribble)

Exhibit (B)

FOR RELATED APPEAL

10/16 2020

AND IT IS SO ORDERED this _____ day of _____

[Handwritten Signature]

BRIAN M. GIBBONS
Chief Administrative Judge
Sixth Judicial Circuit Court

✓

_____, South Carolina

(2)

* CONTINUE INFORMAL Complaint *

TO: PETITION FOR WRIT'S OF CERTIORIA
PETITIONER STATED IN EXHIBIT "C" NEXT PAGE:
PLEASE RE-TURN FOR ANY-CORRECTION

~~NEED TO BE MADE~~ BRING INTO PROPER ORDER:
PETITIONER, HAD, NO-CONTROL-[BEING QUARANTINE]
NOT, ABLE GO TO *KERSHAW C.I. LAW LIBRARY*
~~READ THE S.C.A.C.R. RULE OF COURT-RULE 227.~~

(ALSO) *FIRST* 1

PETITIONER, HAD NO-KNOWLEDGE, STATE'S RESPONDENT?
OPPOSING COUNSEL WAS *SECOND* 2nd

THE ONLY ERROR PETITIONER MADE
WAS, NOT WRITE, ON AFFIDAVIT OF SERVICE
TO ALL PARTIZ BEING SERVED; THAT WAS

(A) SIMPLE ~~BE~~ ERROR MADE BY STATE INMATE:
WITHOUT ASSISTANCE OF COUNSEL HELP DO NOTICE OF APPEAL
~~COURT NEVER GAVE PETITIONER OPPORTUNITY CORRECT ERROR~~

SEE EXHIBIT (C) MARCH 30, (2021)



PETITIONER NEVER, ALLEGE, ~~LET~~ HE, DID NOT
RECEIVE NOTICE OF THE FINAL ORDER; HE ALLEGED
NOT ABLE GO TO LAW LIBRARY; RULE S.C.A.C.R. RULE
OF COURT. PETITIONER HAD NO KNOWLEDGE HE HAD, TO:
SEND EXHIBIT (C) *MARCH 30, 2021 WITH HIS
(NOTICE OF APPEAL), BEING ON QUARANTINE
PETITIONER UNABLE GO LAW LIBRARY STUDY
THE S.C.A.C.R. RULE OF COURT } APPELLATE COURT.
RULE: 243 (b) AND- 203 (d) (1) (B) (i)
RULE: 203 S.C.A.C.R. RULE 227 S.C.A.C.R.

To: South CAROLINA SUPREME COURT
Post-Office Box 11330

Columbia, South CAROLINA 29211

NOTICE FOR APPEAL

FOR WRIT'S OF CERTIORARI

EXHIBIT



Colvin L Gaddy 323551
PETITIONER

CASE: 2015-CP-29-00637

NOTICE OF APPEAL

FOR STANDARD-RE-VIEW

THE SIXTH JUDICIAL CIRCUIT COURT

LACKED SUBJECT MATTER JURISDICTION

FOR STANDARD-RE-VIEW

-V-
STATE OF SOUTH CAROLINA
LANCASTER COUNTY COURT

RESPONDENT'S ET AL

STATE LACKED SUBJECT MATTER JURISDICTION

SEE: U.S SUPREME COURT. UNITED STATE V. COTTON 122 S.C.T. 1781-2002

SEE: STATE V. GENTRY. 610. S.E.2d 404 S.C. (2005)

OPEN-STATEMENT: FOR [NOTICE OF APPEAL]

THIS, APPEAL. IS BY [A] STATE INMATE.

PRO-SE. WITHOUT ASSISTANCE OF COUNSEL

IF, THIS COURT FIND ANY ERRORS

PLEASE: → R.E. TURN FOR ANY CORRECTION

NEED, TO BE MADE BRING INTO PROPER [ORDERS]

FOR WRIT OF CERTIORARI.

SEE: EXPLANATION 1#, 2#, 3#

WHICH-GUIDED, THE THE, SOUTH CAROLINA SUPREME COURT:

HOLDING IN STATE V. GENTRY 610. S.E.2d. 404 S.C. 2005

IN BOTH [COTTON] AND [GENTRY] COURT HELD THAT.

THE TERM: - SUBJECT-MATTER JURISDICTION:

MEANS, THE COURT'S *STATUTORY* AND *CONSTITUTIONAL*

POWER TO ADJUDICATE DURING GENERAL SESSION TERM:

WERE, CRIME WAS COMMITTED.

SEE: (A) (B) (C) (D)

(A)

: ATTACHMENT - SHEET:

LEGAL

GADDY-323551

(1)



ALAN WILSON
ATTORNEY GENERAL

EXHIBIT'S

March 30, 2021

C

Calvin Lyndale Gaddy, #323551
(HC-0114-B)
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

Re: Calvin Lyndale Gaddy, #323551 v. State of South Carolina
2015-CP-29-0637

Dear Mr. Gaddy:

Enclosed is a copy of the **Final Order of Dismissal** in the above-captioned case signed by the Honorable Brian M. Gibbons and filed with the Lancaster County Clerk of Court.

Sincerely,

Michael D. Davidson
Assistant Attorney General

MDD/em
Enclosures

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

IN THE COURT OF COMMON PLEAS)
FOR THE SIXTH JUDICIAL CIRCUIT)

Calvin Lyndale Gaddy, #323551,)

Case No.: 2015-CP-29-0637)

Applicant,)

FINAL ORDER OF DISMISSAL)

v.)

State of South Carolina,)

Respondent.)

FILED
OFFICE OF CLERK
OF COURT
2020 OCT 26 PM 3:19
CLERK OF COURT
LANCASTER, SC

This matter comes before the Court pursuant to an application for post-conviction relief filed by Calvin Lyndale Gaddy (Applicant) May 13, 2015 and amended July 22, 2015. The State made its Return and Motion to Dismiss on March 9, 2020, requesting the application be summarily dismissed because it was untimely and successive. Additionally, Applicant's claims did not constitute newly discovered evidence, and failed to make a *prima facie* showing the circuit court lacked subject matter jurisdiction.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed March 23, 2020, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated March 23, 2020, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant filed response on March 22, 2020. This Court has reviewed Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original

The Supreme Court of South Carolina

Calvin L. Gaddy, #323551, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2021-000415

Lower Court Case No. 2015CP2900637

ORDER

C

In this post-conviction relief case, the final order was filed on October 26, 2020.¹ Petitioner has now filed a notice of appeal which was received by this Court on April 20, 2021.

The document entitled "~~affidavit of service~~" accompanying the notice of appeal does not indicate who has been served or the method of service. ~~Nor does it state the date on which service was accomplished.~~ IN CORRECT SEE: 4-13-2021
NEXT PAGE.

Accordingly, based on petitioner's failure to provide a proof of service showing that the notice of appeal has been served on the opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i) of the South Carolina Appellate Court Rules (SCACR), the notice of appeal is dismissed. [The remittitur will be sent as]

X IN CORRECT PETITIONER NEVER SAID
below

¹ While petitioner did not provide a complete copy of the final order of dismissal or the conditional order of dismissal, this Court has obtained a copy of these orders from the public case index for Lancaster County. In the notice of appeal documents, ~~petitioner alleges he did not receive notice of the final order until~~
March 30, 2021. IN CORRECT

(A) PRO-SE STATE INMATE, WITHOUT COUNSEL ASSISTANCE MADE (A) SIMPLE ERROR. didit write PARTIE SERVING: by RULE 243 (b) And- 203 (d) (1) (B) (i) OPPOSING COUNSEL (S.C.A.C.R.)

PETITIONER SEEKING WRIT OF CERTIORARI FORMS FROM SOUTH CAROLINA SUPREME COURT CLERK. FOR THIS ORDER DISMISSAL OF NOTICE OF APPEAL BE-RE-MANDED, BACK TO THIS COURT. (CAUSE) OF, SIMPLE ERROR. PETITIONER STATED HE'S STATE INMATE, WITHOUT ASSISTANCE APPELLATE COUNSEL, HELP FILE NOTICE OF APPEAL

AFFIDAVIT OF SERVICE

LEGAL DOCUMENTATION

(C)

~~SWORN AND SUBSCRIBE BEFORE ME~~
~~ON THIS DATE (Bth OF) April 2021~~
~~Cathie A. Conway~~
~~NOTARY PUBLIC FOR STATE OF SOUTH CAROLINA~~

~~MY COMMISSION EXPIRES 12-22-2029~~

x *Calvin L. Gaddy*
Calvin L. Gaddy 323551
KERSHAW C.I. H.C. 114
4848 Gold mine Hwy
KERSHAW S.C 29069

[provided by Rule 221, SCACR.]

FOR THE COURT

BY 
CLERK

Columbia, South Carolina
April 23, 2021

cc: Office of the Attorney General
Mr. Calvin Lyndale Gaddy, 323551

(C)

CONCLUSION

This South Carolina Supreme Court
ORDER: A dismissal of Notice of Appeal
ON A Simple ERROR. Rule 221, S.C.A.C.R.
petitioner stated, he's without assistance
of counsel, dismissing this ~~*[APPEAL]~~ *
has, [PREJUDICED] & [BIASED] petitioner [due process of law]
of 14th Amendment: of Equal Protection:
This, COURT [below]: known's petitioner without
ASSISTANCE OF COUNSEL help PRE-PAIR (A)
* [NOTICE OF APPEAL] *

PROOF OF SERVICE

TO: [State of South Carolina Supreme Court]
I, Calvin L Gaddy, declare on this date
of April 29th, 2021. These, documentation
ARE, TRUE & CORRECT. be SERVED ON April 29th, 2021
TO [South Carolina Supreme Court Clerk]

DANIEL E. SHEAROUSE, P.O. Box 11330
Columbia S.C. 29211.

I, Calvin L Gaddy declare under
THE PENALTY OF PERJURY 28. U.S.C § 1746
These document ARE TRUE & CORRECT. *4-29-2021*

Calvin Gaddy 323551
KERSHAW C.I.
4848 Gold Mine Hwy
Kershaw S.C. 29069