

STATE OF SOUTH CAROLINA

In the Supreme Court

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S.C. SUPREME COURT

APPEAL FOM ORANGEBURG COUNTY

Count of General Sessions

Honorable Edgar W. Dickson, Circuit Judge

CASE # 2021 – 000056

Willie Young

Petitioner

V

The State

Respondent

REPLY IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

WILLIE YOUNG

4848 Goldwine Hwy

Kershaw, SC

29067

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Argument

The circuit court upheld an error of law that denied this petitioner a state statutory right to
due process that deprived him of life and liberty.

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TABLE OF AUTHORITIES

CASES

State v Mercer 381 s.c. 1494
S.C. v Williams 108 s.c. 2954
Evans v State 363 s.c. 495	.....5
S.C. v Fletcher 322 s.c. 256	.....5

STATUTES

S.C. Code Ann. §14-5-620(3)	.....3,4
S.C. Code Ann. §14-9-170	.....3,4
S.C. Code Ann. §14-9-210	.....5,6
Rule 29(b) SCcrimp.	.....4
S.C. Const. Art. v 24	.....6
S.C. Const. Art. 1§ 11: Art. 5 § 22	.....7

FEDERAL

Renigar v U.S. 172 F. 646	.....6
Alexander v Robertson 882 F.2d 421	.....7
Eppes v Snowden 656 F. Supp. 1267	.....7
Simpson v State 317 s.c. 506	.....7
Holland v State 322 s.c. 111	.....7
U.S. v Goodwin 457 v U.S. 368	.....6

1.

Respondents argument that circuit court was correct in granting Young's motion for new trial because both his motion was untimely, and that he did not produce any new evidence. However, as the denial was an error of law, which was within the discretion by the circuit court.

A. Standard of Review

On review of trial courts denial of motion for new trial based on newly discovered evidence, Appellate court may not make its own findings of fact. The deferential standard of review controlling the appellate court to affirm the trial court if reasonable in light of the evidence. State v. Mercer 361 S.C. 149 (2006)

As noted by the U.S. Supreme Court, "The circuit court is not only vested with the power to grant new trials, but also the power to deny them. It is the duty of the circuit court to grant a new trial if the evidence is such that a miscarriage of justice would result. It is the duty of the circuit court to deny a new trial if the evidence is such that a miscarriage of justice would not result." (State v. Mercer)

The circuit court's denial of Young's motion for a new trial was not an error of law. The circuit court provided the trial court with a general impression of the evidence at the time the motion was denied. The circuit court's denial of the motion was not an error of law. The circuit court's denial of the motion was not an error of law.

The denial of a new trial rests within the sound discretion of the trial court, and the appellate court will not disturb the trial court's decision absent an error of law.

Young's motion for a new trial was denied by the circuit court. The circuit court's denial of the motion was not an error of law.

Young's motion for a new trial was denied by the circuit court. The circuit court's denial of the motion was not an error of law. The circuit court's denial of the motion was not an error of law.

... of Young's state and us. constitutional right to
... state jury which is properly established and con
... the law considers the criminal allegations agai
... State 73 and 495,509 (2005) App.pg.1-2

... reason stated by the circuit court order that " essential
... was upholding an error of law was that the S.C.Administra
... " those weeks ", again, referencing the da
... January 28, 2001 and February 11, 2002.App. pg 3

... YOUNG,
... evidence that he was true billed outside the term of
... sessions court and without objection from the county
... admitted to returning Young's indictment outside
... session term, which is clearly an error of establish
... state and us. constitutional laws and statuat

... 100

... response and Circuit Court's ruling are clear
... provide an immediate and complete an unaltered Yuan
... right to be process and the
... machinery and its importance in is
... 11 11--

... services are upon the General Sessions Court.
... as drawn in accordance with law for service
... of General Sessions in each of the counties
... shall constitute the grand jury for the county court and shall
... with the county court at each of it's terms, except the ter
... each session of the circuit court. S.C. Code an
... 114-3 112

... and is refused the right to be tried
... charged against him only upon an indictment presented
... grand jury. In instances where such indictment is
... may thereafter justly take the position that he has
... of life liberty or property without due process of
... 112

... THIS COURT
... defendant timely move to quash an indictment, th
... must determine whether the defendant's constitution
... the criminal allegations against him weighed by a

At Young's motion hearing no evidence was submitted on its re-
cord, as to if a motion was made at his jury trial, to "quash"
the indictment, however, since the county solicitor "admitted"
TO CLEARLY COMMITTING AN ERROR OF LAW BY RETURNING ITS BILL OF
INDICTMENT AGAINST HIM OUTSIDE A GENERAL SESSION COURT TERM",
while the circuit court abused its discretion by acknowledging
the true dates date in which no court term was held and upheld
"an ERROR OF LAW". Especially holding the S.C. administration
of the court system in general session January 28, 2002,
and the court system in general session, general calendar. App.pg45-

... in good faith
... of his trial
... to quash the indictment alleged
... by the grand jury" was

... to punish a person for exerc-
... and constitutional right. U.S. v Goodwin

... to properly procure an indict-
... S.C.

... to present its
... while
... was
... against him
... authorized by

... against him which
... January 28, 2002. The circuit
... while the
... by admitting,
... an authorized term,
... violating Young's due
... App.pg47-48-49

... that on January 28, 2002
... the admittal by the
... due process rights to

... 1996!
... not physically returned in open court

III. Due Process: Right to grand jury

Young has a right under the state constitution to demand that a grand jury which is properly established and constituted under the law consider the criminal allegations against him. Const. Art. 1 §11; Act. 5 §22

Young asserts that the evidence submitted by the county solicitors office that it "convenes" ITS OWN GRAND JURY(S) ..outside the general session court should be shocking to the conscience of justice, as it has been done by fraudulent means. The county solicitors signature that it returned a true billed indictment, while in attendance of a court term in orangeburg general sessions court before a presiding judge and grand jury in accordance to the statutes and provisions governing the grand jury(S) SERVICE ON THE GENERAL SESSION COURT...was both deceptive and fraudulent as evidenced such as the county solicitors indictment and it's own indictment returned against petitioner, which the county failed to file in the solicitor for new trial have merit.

...that a party has clearly and convincingly set in motion a scheme, which is calculated to interfere with the judicial system impartiality to adjudicate a matter properly, fraud on the court has occurred. Alexander V Robertson 882 F.2d 421,424(9 cir. 1989)

The courts have inherent power to dismiss an action when a party has willfully deceived the court and engaged in conduct(as that admitted by solicitor) UTTERLY inconsistent with the administration of justice. Epps V Snowden 656 F.Supp. 1267 (E.D. ky. 1986)

CONCLUSION

The U.S. Supreme Court has held: The substantial safeguard to habeas corpus of a defective arrest cannot be eradicated under the guise of state procedure. ...

...when evidence was submitted by both petitioner and county solicitor that this indictment, in which he is currently sentenced, was done by a procedure that violated state procedure.....and in fact showed " NO DISCRETION " was exercised, an error of law has taken place. State V Smith 276 s.c. 494, 498 (1951)

the Supreme Court has held " it will reverse the circuit court decision when it is controlled by an error of law. Steppan v State 317 s.c. 506 (1995) Holland v State 322 s.c. 311(1995)

Since the petitioner in this matter has been denied fundamental fairness for nearly 14 1/2 years, an entitled to a properly conducted trial, the court should grant the petitioner's motion for a new trial.

GRANTING OF THIS
MOTION FOR A NEW TRIAL.

2021 _____
Date _____

WILLIE YOUNG III
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