

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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JUN 29 2021

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

Cordell Maddox, Jr. Circuit Court Judge

Case No. 2018-001099

The State of South Carolina..... Respondent

v.

Gavin v. Jones ..... Appellant

**REPLY TO RESPONDENTS RETURN  
TO MOTION FOR REHEARING**

The Appellant, Gavin v. Jones, pursuant to rule 240F SCACR, moves the court to consider the reply to respondents return made to Appellants motion for rehearing made in Appeal Case No. 2018-001099, submitted March 1, 2021 Filed May 5 2021, received by Appellant on May 11 2021. In support of the reply, the Appellant shows the following to the court.

## REPLY TO RETURN

As before let me please submit to this Court that I mean No disrespect to this Court or to the Respondent. But Truth must be spoken. The Indictment in this case is unlawful period. And if it took this long for me to bring it before this Court it is because of what I am dealing with now.

Twisted words, manipulation of law and facts by the Respondent. In the Respondents return they speak of Appellant saying his Indictment is unlawful because it was issued during a time when there was No General Session Court. Let me clarify this, "The Grand Jury took an oath that they convened at a Court of General Session January 5<sup>th</sup> 1999." Now I did not say that my Indictment said that:

The Question is "did that happen? Well I am saying it did not, the Respondent agree with Appellant that if did not happen, but this was placed on my Indictment as if it did happen. **"PERJURY"**

So where did the Grand jury meet? Maybe they all met in the basement of the Courthouse, giving the Solicitors total access to them.

Now you claim that Appellant is not reading the 14-9-210 statute the right way, that the statute uses prescriptive words or language. To long have the Respondent been Divorced from the Truth, that they refuse to see it when it is staring directly at them.

South Carolina code of Law 14-9-210 is the Law. It has Not been repealed, it is still active. It has Not been ruled unconstitutional or anything. So NO State Court ruling would make this Law Null and Void.

- ✓ Court of Appeals I realize my Briefs will not sound like a lawyer because I am not a lawyer. But I know and this Court knows where the Truth belongs. This Court did not ask for this deception of the lower Court. But it's up to this Court to straighten it out.

On page 2 second paragraph: Respondent Quotes, "Appellant was indicted by a grand jury convened by an order issued by the Anderson County Court of General Session." But that did not happen. But you want the Appellant to just ignore that fact. You want the Court to ignore that fact. **"No order convened the Grand Jury, the Order called for the Grand Jury to convene at a Court of General Session."** (Emphasis Added)

Courts have No legislative powers; they cannot read into a statue something that is Not within the manifest intention of the legislature as gathered from the statute itself, **Bray v. Marathon Corp 553 SE2d 477 (S.C. ct App 2019)**

Appellant submits to this Court that if it was up to the Respondent the Laws would be Fickle each time it opposes them.

It is S.C Lawyers and Law professors online telling my family the Truth. The Respondent quotes on page 3: **"At best, even if Appellant's interpretation of the statute is correct, Appellant has asserted a "mere irregularity in the grand jury practice. (Emphasis Added)**

Wow, Respondent just told the Court that everything he said before that sentence is a lie, "Even if Appellants interpretation of the statute is correct."

There is NO interpretation its plain, what happened to the County Court Angle? could Not have had much confidence in that, to come back a couple of pages and concede that Appellant may be right about 14-9-210, but at best it is a mere irregularity.

No I believe you spoke the truth when you said it was a "**practice**" in South Carolina.

Now you file this return to the Court and try to discredit the statute, also you say "oh it's ok if the Grand Jury met at a later date."

Then you say "Appellant has provided No authority establishing that the convening of a Court of General Sessions is a perquisite to the meeting of a Grand Jury"

First the Appellant would say this to the Court:

1. You have an order signed by Judge H. Dean Hall asking that the Grand Jury convene the next (6) months of General Sessions, (in which you Ignore).
2. Then you have 14-9-210 S.C. Code of Laws in which you try to discredit.
3. Of course you have the Indictment swearing under oath that the Grand Jury met at a Court of General Sessions. (When there was no General Sessions).

Court of Appeals, the S.C. Attorney General is counting on this Court to bail him out of this. Please look at this list of facts:

1. The order that Judge Dean Hall signed on December 10<sup>th</sup> 1998 is asking that the Grand Jury be allowed to convene for the next (6) months of General Sessions Court.

**"TRUTH"**

This "didn't happen"

Not only did the Solicitor not follow the order. The Solicitor committed perjury by placing false information upon Appellants Indictment. At best, just a "mere irregularity," Respondent quotes. Committing perjury, fraud upon the Court Sham Legal process, misconduct. I guess all that is a "mere irregularity". What will the world think about the Attorney General's Office of South Carolina committing this injustice when you had the chance to correct it?

2. In an attempt to discredit S.C. code of law 14-9-210, Respondent suggest it was meant for County Court, yes it says County Court Solicitor, and it also says for the Grand Jury to convene at General Sessions Court, not to mention this Code of Law statute was **current in 1999**, and legislators has it "**current through 2021.**" So if this Law has been abolished someone in the State House has Not got the memo for 20 something years.

When the language of a statute is plain, unambiguous, and conveys a clear and definite meaning, an Appellate Court lacks the Authority to look for or impose another meaning and may Not resort to subtle or forced construction in an attempt to limit or expand a statutes scope **Qulla v. Velazques 427 S.C. 428 831 SE.2d 450**

3. Appellant submits to this Court that if someone paid him with a check for \$100.00 dollars but the check was Not properly endorsed by the owner. The check would be No good. Respondent and this Court continue to use State v. Gentry 610 SE 2d 494 (2005) claiming Indictment is just a noticing document. This document in order to give proper notice must be Lawful. **Also this case happened in 2005, Appellant case happened in 1999.**

This court can ignore the truth, because maybe this Court feels that I am an inmate, "who will care? Or possibly does not know the law. Please tell me why S.C. Lawyers and Judges across the State are saying I am correct? The Petition filed in this case is correct. Respondent is saying anything hoping you will snatch on to one of his "mis-quotes" and run with it.

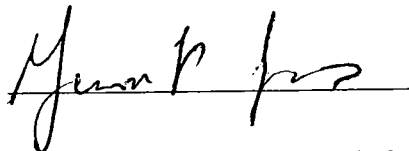
14-9-210 – under the "plain meaning rule" it is not the Courts place to change the meaning of a clear and unambiguous statute. South Carolina Coastal Conservation league v. South Carolina Dept. of Health and Environmental Control 380 S.C 349 669 SE. 2d 899 (S.C ct App 2008)

Appellate humbly ask this Court what would happen if the lower Courts begin to pick and choose which S.C. code of Law they would follow, and this Court refuse to hold them accountable. To long have the respondent manipulated Laws praying on the ignorance of inmates and citizens. **TRUTH** is in your hands now.

Appellant humbly ask this Court to disregard the Respondents return which is a plea to not be held accountable to established Laws and procedures.

CC: Clerk of Court  
Advocates of Injustice Family

6/23/21

/s/ 

Gavin v. Jones SCDC # 259726  
Tyger River Unit 7A-111  
200 Prison Road  
Enoree, SC 29335

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**PROOF OF SERVICE**

I hereby certify that, on this day, I have served a reply to respondents return to petition for rehearing upon the following individuals by depositing a copy of the same in to the U.S. Mail, with receipt for filing fee, postage prepaid addressed as follows:

Taylor Z. Smith  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211

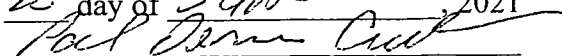
Jenny A. Kitchings  
Clerk of Court  
Post office Box 11629  
Columbia, SC 29211

/s/ 

Gavin v. Jones SCDC # 259726  
Tyger River Unit 7A-111  
200 Prison Road  
Enoree, SC 29335

Sworn to and subscribed before me this

23 day of June, 2021



Notary of South Carolina

My Commission Expires:

Honorable Jenny A. Kitchings  
S.C. Court of Appeals Clerk  
Post office Box 11629  
Columbia, SC 29211

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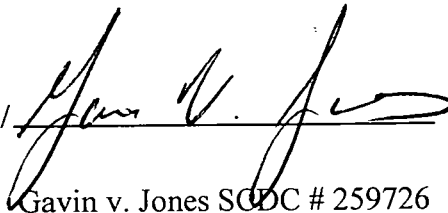
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SC Court of Appeals

Re: Appeal of Mandamus

Dear Ms. Kitchings:

Enclosed please find my original and six copies of a reply to respondents return to a petition for rehearing filed with this court and a proof of service of same filed with Attorney General.

/s/ 

Gavin v. Jones SODC # 259726  
Tyger River Unit 7A-111  
200 Prison Road  
Enoree, SC 29335

CC: Attorney for Respondent  
Taylor Z. Smith  
Appellants File

