EXHIBIT, "CASE NO. 2020-001615"

File in CASE

2021-000629

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT ET. AL.,

APPELLATE CASE NO. 2020-001615

APPEAL FROM BERKELEY COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2019-CP-08-1992

RON SANTA McCRAY #353031

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF SERVICE

I, RON SANTA McCRAY, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS AS TO WHY THE CONDITIONAL ORDER SHOULD NOT BECOME FINAL IN CASE 2019-CP-08-1992; RENEWING THE

PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION; RENEWING THE NOTICE SEEKING LEAVE TO APPEAL THE CONDITIONAL ORDER SEEKING REVIEW UNDER TORRENCE v. S.C. DEPT. OF CORRECTIONS; MOTION TO CHALLENGE THE BERKELEY COMMON PLEAS COURT'S JURISDICTION DUE TO CONTINUED ACTS OF FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR, ON THE S.C. SUPREME COURT, THE CHIEF ADMINISTRATIVE JUDGE OF BERKELEY COUNTY, THE BERKELEY COUNTY COURT OF COMMON PLEAS, THE S.C. ATTORNEY GENERAL AND ALL INVOLVED PARTIES, BY U.S. MAIL POSTAGE PREPAID, BY DEPOSITING IT IN THE INSTITUTION MAILBOX ON MAY 17, 2021.

RESPECTFULLY,
RON SANTA McCRAY

MAY 17, 2021

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT ET. AL.,

APPEAL FROM BERKELY COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2019-CP-08-1992

RON SANTA McCRAY #353031

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS AS TO WHY THE CONDITIONAL ORDER SHOULD NOR BECOME FINAL IN CASE 2019-CP-08-1992; RENEWING THE PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION; RENEWING THE NOTICE SEEKING LEAVE TO APPEAL THE CONDITIONAL ORDER SEEKING REVIEW UNDER TORRENCE v. S.C. DEPT. OF CORRECTIONS; MOTION TO CHALLENGE THE BERKELEY COMMON PLEAS COURT'S JURISDICTION DUE TO CONTINUED ACTS OF FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR

IN RE: CASE(S) 2019-CP-08-1992; 2020-0001615; RON SANTA McCRAY ET. AL.,

TO: THE S.C. SUPREME COURT,
THE CHIEF ADMINISTRATIVE JUDGE OF BERKELEY COUNTY,
THE BERKELEY COUNTY COURT OF COMMON PLEAS,
THE S.C. ATTORNEY GENERAL ET. AL.,

ON MAY 7, 2021 THE BERKELEY COUNTY COURT OF COMMON PLEAS ISSUED A CONDITIONAL ORDER WHICH IT HAS NOW OFFICIALLY SIGNED AND SERVED UPON THE APPLICANT/APPELLANT ON THE DATE AFOREMENTIONED. THE CONDITIONAL ORDER SHOULD NOT BECOME FINAL FOR THE FOLLOWING REASONS:

THE APPLICANT/APPELLANT CONTENDS THAT THE CHIEF ADMINISTRATIVE JUDGE AND BERKELEY COUNTY COURT OF COMMON PLEAS IS CONSPIRING UNDER COLOR OF STATE LAW WITH THE S.C. ATTORNEY GENERAL'S OFFICE IN ACTS OF MACHINATION, FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE TO THWART THE APPLICANT SEEKING TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION DUE TO THE APPLICANT/APPELLANT ARGUING AGAINST THE PRECEDENT RELATED TO BOTH THE STATE v. GENTRY CASE 2005 AND THE STATE v. LANGFORD CASE OF 2012 PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217 AND THE DEFAULT AND VOIDING OF JURISDICTION THAT HAS OCCURRED IN THIS CASE, JOSEPH v. SOUTH CAROLINA DEPT. OF LABOR, LICENSING AND REGULATION, 417 S.C. 436, 790 S.E.2d. 763(S.C.App.2016); STOKES-CRAVEN HOLDINGS CORP. v. ROBINSON, 416 S.C. 517, 787 S.E.2d. 485(S.C.App.2016); JOHNSON v. JOHNSON, S.E.2d., 2014 WL 2721680(S.C.App.2014).

WHEN THE COURT AND PARTIES SERVED THE APPLICANT/APPELLANT A COPY OF THE CONDITIONAL ORDER BEFORE IT WAS ACTUALLY SIGNED. THE APPLICANT/APPELLANT SOUGHT TO APPEAL IT BECAUSE EVEN THOUGH

IT WAS NOT OFFICIALLY SIGNED. THE SUBMISSION OF THE DOCUMENT ALONE, THOUGH IT WAS NOT SIGNED, STILL CONSTITUTE AN ACT OF DECLARING LAW WHEN IT WAS CLEAR THEIR INTENT WAS INDEED TO SIGN THE CONDITIONAL ORDER INTO EFFECT WHICH THE COURT WAS VOID OF JURISDICTION TO DO BECAUSE OF THE UNCONSTITUTIONAL ACTION ARGUED.

NONETHELESS, BY THEIR ACTIONS, THE APPLICANT/APPELLANT WAS WELL AWARE OF THE PLOY AND ACT OF MACHINATION INTENDED. THEIR POSITION BY SUCH ACTION IS THAT UNTIL THE CONDITIONAL ORDER WAS ACTUALLY OFFICIALLY SIGNED. THE DOCUMENT LEGALLY WAS NOT AN ORDER AT ALL OF ANY KIND BUT WAS MERELY A PIECE OF PAPER WITH NO LEGAL FORCE WHATSOEVER AND THEREBY, THE S.C. SUPREME COURT WOULD NOT BE ABLE TO ENTERTAIN JURISDICTION TO REVIEW IT IN ANY CAPACITY SINCE THE CONDITIONAL ORDER UNTIL NOW WAS NEVER ACTUALLY SIGNED INTO EFFECT. THUS, THE APPELLANT/PETITIONER'S EFFORTS TO SEEK LEAVE TO APPEAL IT SEEKING SUCH APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310 (S.C.2021) WOULD HAVE BEEN PREMATURE DUE TO THE ESSENTIAL AND MATERIAL DISTINCTION BETWEEN THE CONDITIONAL ORDER IN QUESTION FOR WHICH THE APPLICANT SOUGHT REVIEW AND THE ORDER THAT CAME UNDER REVIEW IN THE TORRENCE CASE WAS THAT THE TORRENCE ORDER(S) WAS ACTUALLY SIGNED INTO EFFECT AND THE CONDITIONAL ORDER IN THE APPELLANT'S CASE WAS NOT SIGNED INTO EFFECT AT THE TIME HE INITIALLY SOUGHT TO APPEAL IT. THEREFORE, TO PREVENT THIS ACT OF MACHINATION AND INJUSTICE. THE APPLICANT/APPELLANT RENEWS HIS PREVIOUSLY FILED MOTION AND OR PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION AND RENEWS THE PREVIOUSLY FILED NOTICE SEEKING LEAVE TO APPEAL AND SEEK TO ADD THIS NOW OFFICIALLY SIGNED CONDITIONAL ORDER(S), WHICH SERVE TO PROVE THAT THE APPLICANT WAS CORRECT. THE CONSPIRING PARTIES INTENT WAS TO DECLARE LAW BY THEY FILING IT BEFORE THE COURT SIGNED OR UNSIGNED. THIS DOCUMENT IS ALSO FILED RENEWING THE CHALLENGE TO THE BERKELEY COUNTY COURT OF COMMON PLEAS AND CHIEF ADMINISTRATIVE JUDGE'S JURISDICTION TO ISSUE AND ADJUDICATE IT, SEEKING TO APPEAL THE SUBMITTED AND NOW SIGNED CONDITIONAL ORDER

WHICH WARRANTS APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310(S.C.2021).

THE TORRENCE CASE BEARS ON THE CLAIM(S) MADE BY THE APPLICANT/APPELLANT IN THIS CASE THAT WAS NOT AVAILABLE AT THE TIME THE APPLICANT/APPELLANT FILED HIS LAST PLEADING. THEREFORE, IN FUNDAMENTAL FAIRNESS TO THE APPELLANT. THE APPELLANT MUST BE PERMITTED TO SUPPLEMENT HIS PREVIOUS PLEADING TO ADD THE RULING OF THE S.C. SUPREME COURT THAT THE APPLICANT/APPELLANT FEELS BEAR ON THE ISSUES THAT ARE PRESENTLY PRESENTED BEFORE THIS COURT RELATED TO WHETHER OR NOT THE CONDITIONAL ORDER, NOW SIGNED, MUST BE DEEMED FINAL FOR PURPOSES OF APPEAL WHICH IS COMPOUNDED BY THE FACT THAT THE COURT WAS VOID OF JURISDICTION TO ACCEPT ITS FILING OR TO ALLOW THE RESPONDENT TO SUBMIT THE PROCEDURALLY BARRED RESPONSE OF THE S.C. ATTORNEY GENERAL'S OFFICE AND OR SOLICITOR'S OFFICE THAT WAS FILED IN THIS CASE, KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362(S.C.App.2019); FIRST CITIZEN BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249(S.C.App.2020); ASTERBADI v. LEITESS, 176 Fed. Appx' 426 CA4 (Va.2006); PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402 (D.C.Md.2016); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003 (U.S.1998); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879. * 2 W.D.Tex.; HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; WALLS v. BOEING COMPANY, 2019 WL 4931365 * 2 D.S.C.; MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016).

INSOMUCH, DUE TO THE VOIDING OF JURISDICTION. THERE IS NOTHING LEFT FOR THE COURT TO DO, THUS, MAKING THE CONDITIONAL ORDER IN THIS CASE THAT IS NOW OFFICIALLY SIGNED, DUE TO DECLARING LAW, A FINAL ORDER FOR PURPOSES OF APPEAL. IT HAS A TIME MANDATE, REQUIRING A RESPONSE BY SUCH DECLARING OF LAW IN AN UNCONSTITUTIONAL PROCEEDING THAT VIOLATES THE SEPARATION OF

POWERS CLAUSE. A FINAL JUDGMENT DISPOSES OF THE WHOLE SUBJECT MATTER OR TERMINATES THE PARTICULAR PROCEEDING OR ACTION (EMPHASIS ADDED) AS THE FILING OF THE NOW SIGNED CONDITIONAL ORDER DOES AND THE S.C. ATTORNEY GENERAL AND OR SOLICITOR'S RESPONSE DID WHERE IT IS OBVIOUS THAT HE WAS ORDERED EX PARTE TO RESPOND AS WELL AS WHICH IS INDICATED BY THE TIMING OF HIS FILING BEING IN CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE, CORRUPTING THE ENTIRE PROCEEDING, LEAVING NOTHING TO DO BUT TO ENFORCE BY EXECUTION WHAT HAS BEEN DETERMINED BY THE DEFAULT AND VOIDING OF THE BERKELEY COMMON PLEAS COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION. BY SUCH, THE NOW OFFICIALLY SIGNED AND FILED CONDITIONAL ORDER BECOMES A FINAL ORDER FOR APPEAL PURPOSES, GOOD v. HARTFORD ACCIDENT & INDEMITY CO., 201 S.C. 32, 21 S.E.2d. 209 (S.C.1942); CHARLOTT-MECKLENBURG HOSP. AUTHORITY v. SOUTH CAROLINA DEPT. OF HEALTH AND ENVIRONMENT CONTROL, 387 S.C. 265, 692 S.E.2d. 894 (MEM)(S.C.App.2010). THE CONDITIONAL ORDER IS VOID. JURISDICTION IN FULL IS NOW COMPLETELY ESTABLISHED BEFORE THE S.C. SUPREME COURT AS WELL AS THE APPLICANT/APPELLANT'S CLAIMS ON DEFAULT ON THE CAUSE WHERE THE STATE FAILED TO **"TIMELY"** (EMPHASIS ADDED) RESPOND WAIVING ANY RIGHT TO DO SO NOW WARRANTING APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310 (S.C.2021).

SINCE NO SUCH ORDERS OR RESPONSE RELATED TO THIS CASE IN QUESTION CAN BE FILED OR SUBMITTED AFTER THE FACT CLEARLY VIOLATING THE SEPARATION OF POWERS CLAUSE PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONSTITUTION AND OTHER CITED PROVISIONS OF LAW WHERE THE STATE HAS FAILED TO TIMELY REBUT PLACING THEM IN FORFEITURE ON EVERY SINGLE MATTER FILED IN THIS CASE TO INCLUDE THE MOTION TO INTERVENE, NOR CAN THOSE PROCEEDINGS MOVE ANY FURTHER WHERE THE DEFAULT MUST BE GIVEN FULL FAITH AND CREDIT WITHIN THE COURT RECORD, ESPECIALLY IN LIGHT OF THE EGREGIOUS ACTS OF FRAUD UPON THE COURT WHERE THEY CONSPIRED UNDER COLOR OF STATE LAW TO CIRCUMVENT EVEN ADDRESSING THE CLEAR AND OBVIOUS

JURISDICTIONAL CLAIMS RENDERING THE PCR PROCEEDINGS UNCONSTITUTIONAL AND VOID PRODUCING MANIFEST INJUSTICE AND CONSTITUTIONAL ERROR. IF BY THE PROCEDURRALY BARRED RESPONSE THEY WERE SILENT ON THE JURISDICTIONAL CLAIMS MADE. THAT SILENCE IS ACCEPTANCE, CHIMMEBY'S MANAGEMENT CO., LLC. v. AFFILIATED F.M. INSURANCE CO., 152 F.Supp.3d. 159 (2016); BAUER v. QUEST COMMUNICATION CO., LLC., 743 F.Supp.3d. 221 (2014). THE APPLICANT/APPELLANT'S DUE PROCESS CLAIMS CANNOT BE DENIED, CHARLOTT-MECKLENBURG, 387 S.C. AT 267, 692 S.E.2d. AT 894; TORRENCE v. SOUTH CAROLINA DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310 (S.C.App.2021).

IT IS PERSPICUOUS THAT THE COMPROMISED CHIEF ADMINISTRATIVE JUDGE WHO SAT UPON THIS CASE ESTABLISHING CONSTITUTIONAL STRUCTURAL ERROR PURSUANT TO WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899 (U.S.2016) IS CONSPIRING UNDER COLOR OF STATE LAW IN ACTS OF MACHINATION TO AID THE S.C. ATTORNEY GENERAL AND OR SOLICITOR'S OFFICE TO CIRCUMVENT THE FACT THAT HE IS IN DEFAULT DUE TO THEIR FAILURE TO BE IN COMPLIANCE TO THE PROCEDURAL PROCESSING RULE IN QUESTION AND DUE TO THEIR FAILURE TO TIMELY RESPOND WHERE IN THIS CASE THE COURT OF COMMON PLEAS JURISDICTION IS MADE VOID. THEIR FURTHER INTENT, IN ACTS OF FRAUD UPON THE COURT, IS TO ASSERT, "WELL THE STATE MAY HAVE FAILED TO TIMELY RESPOND TO THE PLEADING AND ARE IN DEFAULT. BUT THE APPLICANT HAS ALSO FAILED TO TIMELY RESPOND TO WHY THE CONDITIONAL ORDER SHOULD NOT BECOME FINAL. SINCE THEY BOTH FAILED TO TIMELY RESPOND THEN THEY BOTH ARE IN DEFAULT AND THE DEFAULTS "OFF SET" EACH OTHER". THEREFORE, TO PREVENT THIS ADDITIONAL ATTEMPT AND FRAUD, CONSPIRACY AND OBSTRUCTION OF JUSTICE, THE APPLICANT/APPELLANT WILL RESPOND AS TO WHY THE ORDER SHOULD NOT BECOME FINAL EVEN THOUGH THE APPLICANT/APPELLANT CHALLENGES THE COURT OF COMMON PLEAS JURISDICTION TO ISSUE IT, WHICH CANNOT BE WAIVED OR FORFEITED, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL ORDER HAS BEEN ISSUED IN THE CASE, WHICH THIS DOCUMENT IS SUBMITTED FOR THAT PURPOSE ALSO TO PREVENT THIS FRAUDULENT ATTEMPTED FORFEITURE OF THE CONSTITUTIONAL DUE

PROCESS RIGHTS GIVEN TO THE APPLICANT/APPELLANT. THE JUDGE AND PARTIES NEED TO BE ASHAMED OF THEMSELVES.

INSOMUCH, REFERRING BACK TO THE ISSUE AT HAND. DOES THE STATE AND OR COURT'S FAILURE TO OBTAIN THE **"[W]RITTEN"** (EMPHASIS ADDED) ORDER OF CONTINUANCE BEFORE THE PRESCRIBED TIME DEADLINE EXPIRES VOID THE COURT'S INVOLVED JURISDICTION FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION? FIRST, IT IS BEYOND DISPUTE THAT A PARTY IS NOT PERMITTED TO WAIVE SUBJECT MATTER JURISDICTION, UNITED STATES v. WHEELER, 886 F3d. 415 (4th.Cir.2018); 139 S.Ct. 1318 (U.S.2019); MATHENY v. BRECKON, 2020 WL 871085 (W.D.Va.2020).

FOR THE RECORD, AGAIN, WE ARE NOT DEALING MERELY WITH A PROCEDURAL RULE, LIKE RULE 3(c). THIS PARTICULAR JURISDICTIONAL REQUIREMENT IS BASED UPON JUDICIAL ORDER. AN **"ORDER"** BY ITS VERY NATURE IS MANDATORY, SO THIS IS NOT THE QUESTION. WHAT IS MORE THE ISSUE, ARE THE WORDS IMBUED WITHIN THE ORDER WHICH CLEARLY READ "[S]HALL....BE CONCLUDED." THE WORD **"CONCLUDED"** BY ITS VERY NATURE SETS IN PLACE CLEAR PROHIBITION TO MOVE FURTHER IN ANY WAY UNLESS THE **"JURISDICTIONAL REQUISITE"** OF THE ORDER OF CONTINUANCE IS **"TIMELY"** AND **"PROPERLY"** OBTAINED AND FILED WITHIN THE CASE. IF THE COURT IS PROHIBITED TO GO FURTHER BY THE VERY NATURE OF THE WORDS **"[S]HALL....CONCLUDE"** CLEARLY MANIFESTING AN INABILITY TO **"DECLARE LAW?"** THE ABILITY TO **"DECLARE LAW"** GOES TO SUBJECT MATTER JURISDICTION. FAILURE TO ADHERE TO JURISDICTIONAL TIMELINES WOULD WARRANT DISMISSAL OF THE CAUSE OF THE CONVICTION AT ANYTIME, AS SUCH REQUIREMENTS IMPLICATE THE COURT'S POWER TO ADJUDICATE THE CONTROVERSY PRESENTED, UNITED STATES v. JOHNSON, 451 F.Supp.3d. 436(D.Md.2020); UNITED STATES v. WALLS, 2020 WL 4748457, * 1 D.Md.; UNITED STATES v. EDWARDS, 456 F.Supp.3d. 953, 959+ M.D.Tenn..

THE COURTS MAY NOT DEVELOPE JUDICIAL EXCEPTION TO A JURISDICTIONAL BAR, SUCH AS STATING THE PROSECUTION CAN CONTROL HIS DOCKET AS IT RELATES TO THE JURISDICTIONAL TIME FRAME TO

CONCLUDE THE CASE REQUIREMENT WHERE BY SUCH IN THIS CASE THE COURT WOULD BE EXPANDING THEIR POWER TO HEAR CASES BY JUDICIAL DECREE WHICH IS HIGHLY IMPERMISSIBLE WHERE THE TIMELINE BY THE S.C. SUPREME COURT'S OWN VOLUNTARY ACTIONS HAS BEEN ATTACHED TO THE S.C. CONSTITUTION INVOKING THE PROVISIONS OF ARTICLE 1 § 23 OF THE S.C. CONSTITUTION, UNITED STATES v. SMITH, 2020 WL 2063417, * 2+ N.D.OHIO; UNITED STATES v. WALL, 2020 WL 4748457, * 1 D.Md.; UNITED STATES v. RANDOLPH, 2020 WL 8455501, * 1 S.D.IOWA.; UNITED STATES v. GOWDY, 2020 WL 7706236, * 2 S.D.Miss..

SINCE THE RULE GOVERNS THE COURT'S ADJUDICATORY AUTHORITY IT MUST BE DEEMED JURISDICTIONAL, GONZALEZ v. THALER, 565 U.S. 134, 141, 132 S.Ct. 641, 181 L.Ed.2d. 619 (U.S.2012).

THIS DOES NOT MEAN THAT THE STATE LEGISLATURE OR EVEN THE S.C. SUPREME COURT AS IT PERTAINS TO THE ORDER IN QUESTION, **"MUST INCANT MAGIC WORDS"**, UNITED STATES v. KWAI FUN WONG,--U.S.--, 135 S.Ct. 1625, 1632, 191 L.Ed.2d. 533(2015)(INTERNAL QUOTATIONS OMITTED), LIKE, FOR EXAMPLE, THE WORD "JURISDICTIONAL", ESPECIALLY IN LIGHT OF THE FACT THAT WE ARE DEALING WITH AN "ORDER" WHICH IS MORE THAN A MERE PROCEDURAL RULE LIKE RULE 3(c), WHERE THE PROVISION IS INDISPUTABLY ATTACHED TO THE S.C. CONSTITUTION. RATHER, "TRADITIONAL TOOLS" OF STATUTORY CONSTRUCTION OR THE S.C. SUPREME ORDER ITSELF BEING DIRECTLY ATTACHED TO THE S.C. CONSTITUTION INVOKING A JURISDICTIONAL MANDATE PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONSTITUTION WHERE CONSTRUCTION BY WORDING **"[S]HALL....CONCLUDE."** IMBUED A PROCEDURAL [redacted] BAR WITH JURISDICTIONAL CONSEQUENCES PROHIBITING ANY FURTHER DECLARING OF LAW OTHER THAN MINISTERIAL AND OR CLERICAL MATTERS, SEBELIUS v. AUBURN REGIONAL MEDICAL CENTER, 568 U.S. 145, 153-54, 133 S.Ct. 817, 184 L.Ed.2d. 627(U.S.2013).

THUS, THE PROVISION MUST BE DEEMED JURISDICTIONAL BEING AN ORDER WHERE THE LEGISLATIVE INTENT IS ATTACHED AND INVOKED VIA THE WORDS **"[S]HALL....CONCLUDE."** CREATING A LEGAL INABILITY TO

DECLARE LAW UNLESS THE LAWS OF DUE PROCESS AND THE U.S. CONSTITUTION ARE INDEED VIOLATED BY SUCH UNCONSTITUTIONAL ACTION WHICH INCLUDE VIOLATING THE PROVISIONS OF ARTICLE 1 § 23 OF THE S.C. CONSTITUTION AND THE SEPARATION OF POWERS CLAUSE, WHICH DEMONSTRATE THAT THIS PROVISION IS NO MERE MANDATORY CLAIM PROCESSING RULE, HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO,--U.S.--, 138 S.Ct. 13, 17, 199 L.Ed.2d. 249(2017).

THERE IS CLEAR EXPRESSION OF INTENT INDICATING THE DEPRIVING OF POWER TO DETERMINE AND OR DECLARE LAW WHERE THE LANGUAGE STATES **"[S]HALL....CONCLUDE"**, NOT GIVING ANY LEAVE WAY FOR EXPANSION BY JUDICIAL DECREE WHICH WOULD VIOLATE THE SEPARATION OF POWERS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION VOIDING JURISDICTION UNDER THE CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION. THIS IS COMPOUNDED BY THE FACT THAT THE UNITED STATES SUPREME COURT IN A RELATED RULING DETERMINED THAT IT DOESN'T MATTER IF THE PROCEDURAL RULE IS MANDATORY OR NOT, OR JURISDICTIONAL OR NOT. ONCE THE DEFENDANT/PARTY IN THE CASE **"TIMELY AND PROPERLY"** RAISE IT, AS IT IS DONE IN THIS CASE, THE RULE DO INDEED BECOMES MANDATORY, THOUGH THIS CLAIM AND RULE MUST BE DEEMED **"JURISDICTIONAL"** ANYWAY, WILLIAMS v. WARDEN, 713 F3d. 1332, 1340 (11th.Cir.2013). THE LANGUAGE PARALLELS LANGUAGE THAT THE U.S. SUPREME COURT HAS DEEMED JURISDICTIONAL SUCH AS IN CASES LIKE MILLER EL v. COCKRELL, 537 U.S. 322, 336, 123 S.Ct. 1029, 154 L.Ed.2d. 931(U.S.2003); 135 S.Ct. AT 1632 WHERE WE ARE DEALING WITH A DUE PROCESS CONSTITUTIONAL RIGHT ATTACHED TO EVEN TIMELINES OF APPEAL WHICH IS ALSO PROTECTED THAT WAS PROPERLY AND TIMELY ASSERTED MAKING IT MANDATORY AS THE UNITED STATES SUPREME COURT DETERMINED IN THE FORTBEND COUNTY CASE. SEE FORTBEND COUNTY, TEXAS v. DAVIS, 139 S.Ct. 1843(U.S.2019); KEVIN COPPAGE, PLAINTIFF v. CITY OF RALEIGH, DEFENDANT, 2021 WL 1234506, * 4 E.D.N.C.; WALTER McFADDEN, PLAINTIFF v. JENNIFER HOBBY, DEFENDANT, 2021 WL 1197502, * 6+ D.Conn.; JERRY GORALSKI LAMB, PLAINTIFF v. THOMAS MUDLEY SECRETARY OF THE NAVY ET. AL., 2021 WL 1198158, * 10 D.Md..

CHARLOTTE-MECKLENBURG CITED THE CASE OF ADICKS v. ALLISON & BRATTON, 21 S.Ct. AT. 245. THE COURT'S DECISION IN ADICKES IN 1884 DID NOT, OF COURSE, CONCERN AN ADMINISTRATIVE APPEAL, AND THE CASES IN QUESTION ARE NOT ADMINISTRATIVE APPEALS. YET IT IS INSTRUCTIVE TODAY IN DISTINGUISHING BETWEEN A FINAL JUDGMENT AND ONE THAT IS INTERLOCUTORY. IN ADICKES, THE COURT FOUND A JUDGMENT WAS FINAL ALTHOUGH "THERE WAS SOME FURTHER ACT TO BE DONE", ID AT.259. THE COURT NOTED "[N]OTHING WAS LACKING BUT A CALCULATION OF THE INTEREST, SIMILAR IN THIS CASE, WHERE ALL THAT IS LEFT IS AN ACKNOWLEDGMENT OF THE DEFAULT AND VOIDING OF JURISDICTION, WHERE THIS INJUSTICE RELATED TO THE (2) PRECEDENT SETTING CASES HAS EFFECTED THE INMATE(S) CONSTITUTIONAL DUE PROCESS RIGHTS FOR OVER 15+ YEARS; BUT IF SO. BEING MERE CLERICAL MATTER BEING DEFERRED TO THE OFFICER OF THE COURT, WHOSE DUTY IT IS TO ENTER THE FORMAL DEFAULT AND JUDGMENT WITH THE DISMISSAL OF THE CONVICTIONS ATTACHED THERETO" ID, AND AS TO ANY ARGUMENT THAT THE JUDGMENT IS NOT FINAL BY THE COMMON PLEAS COURT OR S.C. ATTORNEY GENERAL GOES TO FORM RATHER THAN SUBSTANCE" ID.

ADICKES PROVIDES AN EXAMPLE OF A FINAL JUDGMENT THAT NONETHELESS REQUIRES AN ADDITIONAL "ACT TO BE DONE". IN THE CASES BEFORE US, TO INCLUDE ALL RELATED CASES SUB JUDICE AND BEFORE THE S.C. SUPREME COURT. THE ACT TO BE DONE IS TO ACKNOWLEDGE THE DEFAULT AGAINST THE STATE OF SOUTH CAROLINA AND OR S.C. ATTORNEY GENERAL, GIVING FULL FAITH AND CREDIT TO ALL CLAIMS AND RIGHTS ASSERTED VIA ALL DOCUMENTS FILED AND DISMISS THE CONVICTION WHICH ARE MINISTERIAL AND OR CLERICAL DUE TO THE DEFAULT AND VOIDING OF JURISDICTION VIA THE UNCONSTITUTIONAL ACTION DONE. THUS, THE RIGHTS OF ALL PARTIES (EMPHASIS ADDED) ARE FINAL, CHARLOTT-MECKLENBURG, 387 S.C. AT. 267, 692 S.E.2d. AT. 894; TORRENCE v. S.C. DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310 (S.C.App.2021).

INASMUCH, THE APPLICANT/APPELLANT OBJECTS TO THE BERKELEY COMMON PLEAS COURT FILING THE NOW SIGNED AND ATTACHED CONDITIONAL ORDER AND THE S.C. ATTORNEY GENERAL'S OFFICE AND OR SOLICITOR'S OFFICE RESPONSE SUBMITTED UNDER EGREGIOUS ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE, CONSPIRING UNDER COLOR OF STATE LAW WHERE THESE MATTERS ARE BEFORE THE S.C. SUPREME COURT UNDER CASE 2020-001615. ONCE THE CONDITIONAL ORDER IS NOW OFFICIALLY SIGNED AND FILED? THE APPLICANT/APPELLANT IS PERMITTED BY HIS RIGHTS OF DUE PROCESS TO SEEK APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS,--S.E.2d.--, 2021 WL 1114310 (S.C.2021) TO DETERMINE WHETHER OR NOT THE APPLICANT/APPELLANT IS CORRECT, THAT BY THE PLEADING THE CONDITIONAL ORDER NOW SIGN CONSTITUTE A FINAL ORDER FOR PURPOSES OF APPEAL. FURTHER, ONCE THE APPLICANT/APPELLANT SOUGHT TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION AS IS RENEWED BY THIS DOCUMENT AND FILING. THIS GIVES THE S.C. SUPREME COURT JURISDICTION OVER ALL MATTERS RELATED TO THIS AND ITS SISTER CASES, NOT THE BERKELEY COMMON PLEAS COURT WHERE THESE MATTERS INVOLVE MULTIPLE COUNTY JURISDICTIONS AND THE APPLICANT/APPELLANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY 2005 AND STATE v. LANGFORD 2012 AND SEEK APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS. THE POWER TO DETERMINE LAW VIA JURISDICTION NOW LIES BEFORE THE S.C. SUPREME COURT, NOT THE BERKELEY COUNTY COURT OF COMMON PLEAS, ESPECIALLY IN LIGHT OF THE FACT THAT THE INJUSTICE HAPPENED AND WAS CAUSED BY THE S.C. SUPREME COURT RELATED TO THE (2) PRECEDENT SETTING CASES BEING CALLED INTO QUESTION. YOU HAVE THE APPLICANT/APPELLANT OUT OF BERKELEY COUNTY. YOU HAVE BENJAMIN ERIC CASE OUT OF GREENVILLE COUNTY. YOU HAVE ROMEO BROWN OUT OF ORANGBURG COUNTY. YOU HAVE SEQUOIA McKINNON OUT OF CHARLESTON COUNTY. YOU HAVE ANTHONY COOK OUT OF FLORENCE COUNTY. YOU HAVE JAQUES HYATT OUT OF GREENVILLE COUNTY AND OTHER INMATES FROM THE VARIOUS COUNTIES AROUND THE STATE WHOSE PCR APPLICATIONS POSSESS ESSENTIALLY THE SAME EXACT IDENTICAL LEGAL ISSUES DEMONSTRATING THAT THE APPROPRIATE VENUE TO HAVE ALL THESE CASES HEARD IS THE

S.C. SUPREME COURT WHO'S ADJUDICATION RELATED TO THE TWO PRECEDENT SETTING CASES IS THE SOURCE OF THE CONTROVERSY. ORIGINAL JURISDICTION BEFORE THE S.C. SUPREME COURT IS CLEARLY ESTABLISHED, BRADLEY v. HULLANDER, 266 S.C. 188, 222 S.E.2d. 283 (S.C.App.1976); BRADLEY v. HULLANDER, 277 S.C. 327, 287 S.E.2d. 140 (S.C.App.1982); ANDRICK DEVELOPMENT CORP. v. MACCARO, 280 S.C. 103, 311 S.E.2d. 95 (S.C.App.1984); HEMINGWAY EX REL ESTATE OF DAVIS v. MARION COUNTY, S.E.2d., 2013 WL 8538725 (S.C.App.2013); HARRELL v. PINELAND PLANTATION, LTD., 337 S.C. 313, 523 S.E.2d. 766 (S.C.App.1999); ADAMS v. McMASTER, 432 S.C. 225, 851 S.E.2d. 703 (S.C.App.2020).

ADDITIONALLY, WE HAVE FRAUD UPON THE COURT RELATED TO THE BERKELEY COUNTY COURT OF COMMON PLEAS AND PARTIES INVOLVED, AS WELL AS CRIMINAL CONSPIRACY, AS WELL AS CONSPIRING UNDER COLOR OF STATE LAW TO THWART FAIR AND PROPER REVIEW PRODUCING A POTENTIAL FOR BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL WHICH VOIDS THE BERKELEY COUNTY COMMON PLEAS COURT'S JURISDICTION AB INITIO BY THE PRESENCE OF THE ADMINISTRATIVE JUDGE IN THIS CASE, WHICH IS SUBSTANTIATED BY THE INJUSTICES PRODUCED BY HIM PRESENTLY ARGUED PURSUANT TO WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359 (U.S.2016). THIS IS FURTHER ESTABLISHED WHERE THE ADMINISTRATIVE JUDGE ILLEGALLY WAIVED THE APPLICANT/APPELLANT'S SUBJECT MATTER JURISDICTION CLAIM(S) BY ISSUING AND SIGNING THE CONDITIONAL ORDER AND THE ATTORNEY GENERAL AND OR SOLICITOR'S OFFICE RESPONSE IN THE MANNER IN WHICH THEY DID, TO CRIMINALLY SUPPRESS TRUTH IN THE COURT RECORD IN HOPES OF DENYING THE APPLICANT APPEALABLE ISSUES AND BE SILENT ON THE JURISDICTIONAL ISSUES VIOLATING THEIR FIDUCIARY DUTY TO SPEAK AND ADDRESS SAID JURISDICTIONAL CLAIMS, WHICH CAN BE RAISED AT ANY TIME, AT ANY STAGE, WHICH CANNOT BE WAIVED OR FORFEITED, WHICH ALSO ALLOW THESE MATTERS TO BE HEARD BEFORE THE S.C. SUPREME COURT INVOKING THEIR ORIGINAL JURISDICTION. ONCE THE CONDITIONAL ORDER IS NOW OFFICIALLY SIGNED AND THE APPLICANT/APPELLANT SEEKS LEAVE TO APPEAL TO ESTABLISH APPELLATE REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS AS WELL?

THE BERKELEY COURT OF COMMON PLEAS DO NOT HAVE JURISDICTION TO HEAR THESE MATTERS WHERE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS INVOKED. THIS INCLUDE THE FACT THAT THERE MUST NOW BE A NOTICE OF PERMISSION ISSUED BY THE S.C. SUPREME COURT AND SUCH A NOTICE MUST NOW BE SERVED ON THE APPLICANT/APPELLANT. BY THE BERKELEY COMMON PLEAS COURT AND ADMINISTRATIVE JUDGE'S ACTION INVOLVING THE CONSPIRING PARTIES, THEY VIOLATED THE APPLICANT/APPELLANT'S DUE PROCESS RIGHT OF NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA PURSUANT TO ISSUE PRECLUSION WHICH THE APPELLANT OFFICIALLY ASSERTS BEFORE ALL COURTS INVOLVED WHICH IS JURISDICTIONAL IN NATURE, PRESSLEY v. McMASTER, 2016 WL 1106601 (DSC.2016); ZINN v. C.F.I. SALES & MARKETING, LTD., 415 S.C. 93, 780 S.E.2d. 611 (S.C.2015); CATAWBA INDIAN NATION v. STATE, 407 S.C. 526, 756 S.E.2d. 900 (S.C.2014).

IT IS PERSPICUOUS AS IT RELATES TO THE GENTRY CASE OF 2005, THAT THE APPLICANT AND OTHER INMATES WITHIN THESE MULTIPLE COUNTY JURISDICTION CASES WERE CORRECT AND THE S.C. SUPREME COURT RELATED TO THEIR REVIEW OF THESE MATTERS ABUSED THEIR DISCRETION IN THEIR DETERMINATION PRODUCING UNCONSTITUTIONAL LAW. THIS REQUIRES THE S.C. SUPREME COURT TO NOW HEAR THESE MATTERS IN THEIR ORIGINAL JURISDICTION, NOT THE BERKELEY COMMON PLEAS COURT WHO WOULD NOT HAVE JURISDICTION TO ADJUDICATE ALL THE MULTI-COUNTY JURISDICTION CASES INVOLVED HERE. THERE ARE TWO PRONGS TO SUBJECT MATTER JURISDICTION AS THE APPLICANT/APPELLANT AND OTHER INMATES ARGUED WITHIN THESE MULTI COUNTY JURISDICTION CASES, WHERE THE APPLICANT REFERRED TO THE AS "THE DUE PROCESS PRONG", WHICH IS SYNONYMOUS, IDENTICAL, WITH "THE CONSTITUTIONAL PRONG", AND THE OTHER PRONG IS THE LEGISLATIVE PRONG. THE ISSUE OF INDICTMENT DEFECTS WAS SUPPOSED TO HAVE BEEN ADJUDICATED UNDER THE CONSTITUTIONAL PRONG, NOT THE LEGISLATIVE PRONG. ALL ONE WOULD HAVE TO DO IN SUPPORT OF THIS CLAIM IS LOOK AT THE CASES AND RULINGS UNDER KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362 (S.C.App.2019); FIRST CITIZENS BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249 (S.C.App.2020); SANDERS v. SAVANNAH HIGHWAY AUTOMOTIVE COMPANY,--S.E.2d.--, 2020 WL

6154305 (S.C.App.2020) AND NATIONSTAR MORGT., LLC. v. MEISER, S.E.2d., 2016 WL 1700516 (S.C.App.2016).

THE APPLICANT/APPELLANT ASSERTS THE RIGHT OF NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA RELATED TO ISSUE PRECLUSION EMERGING FROM THESE CASES CITED WHERE THEY CLEARLY DEMONSTRATE THAT THE APPELLANT AND OTHER INMATES FROM THE VARIOUS COUNTIES WERE RIGHT. THERE ARE TWO PRONGS TO SUBJECT MATTER JURISDICTION AND THE S.C. SUPREME COURT ADJUDICATED THESE TWO PRECEDENT SETTING CASES ARGUED PURSUANT TO RULES OF APPELLATE PROCEDURE, RULE 217, UNDER THE INCORRECT PRONG REQUIRING THE S.C. SUPREME COURT TO REVISIT THIS MATTER NOT THE BERKELEY COUNTY COURT DUE TO THERE BEING MULTIPLE COUNTIES INVOLVED HERE WHERE THE INVOKING OF THEIR ORIGINAL JURISDICTION, THE S.C. SUPREME COURT IS PERMITTED TO HEAR ALL MERITS OF THIS CASE AND THE OTHERS INVOLVED, INCLUDING THOSE FILED UNDER CASE 2019-CP-08-1992. THE APPLICANT/APPELLANT OBJECTS AND RENEWS HIS MOTION FOR LEAVE TO SUPPLEMENT THE PROCEEDINGS UNDER CASE 2020-001615 TO ADDRESS THESE MATTERS RENEWING THE PREVIOUSLY FILED MOTION AND OR PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION TO ADDRESS ALL MERITS TO THESE MATTERS IN THEIR TOTALITY WHICH EXIST ACROSS MULTIPLE COUNTIES WITHIN THIS STATE, VIRGINIA HOSP. ASS'N v. BALILES, 830 F3d. 1308 (4th.Cir.1987); PARKLANE HOSIERY CO., INC. v. SHORE, 439 U.S. 322, 99 S.Ct. 645, 58 L.Ed.2d. 552 (U.S.1979); ARATA v. VILLAGE WEST OWNERS ASS'N INC., 2011 WL 11735004, * 2+, S.C.App.; WILSON v. GMAC MORTG., LLC., F.Supp.3d., 2015 WL 5244967(DSC.2015).

THE APPLICANT/APPELLANT MOTIONS FOR LEAVE TO SUPPLEMENT THE PROCEEDINGS AND MOTION FOR LEAVE TO APPEAL THIS NOW OFFICIALLY SIGNED AND FILED CONDITIONAL ORDER TO SEEK REVIEW PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS DUE TO FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION, AS WELL AS MOTION TO SEEK INJUNCTIVE AND DECLARATORY RELIEF TO VACATE THE ORDER, REQUIRE THE JUDGE TO RECUSE HIMSELF AND HALT ALL ACTION PURSUED WITHIN THE BERKELEY COUNTY COURT OF COMMON PLEAS UNDER CASE

2019-CP-08-1992 WHERE THEIR ACTIONS ARE PRODUCED BY EGREGIOUS MANIFEST INJUSTICE, AND JURISDICTION BY THE APPLICANT/APPELLANT'S DUE PROCESS RIGHTS NOW LIE BEFORE THE S.C. SUPREME COURT. ALL ACTS, JUDGMENTS, ORDERS OR DECREES DONE BY ALL COURTS ON RECORD THAT ARE REPUGNANT TO THE UNITED STATES CONSTITUTION, AND THAT ARE CONTRARY TO DUE PROCESS LAW ARE **"VOID"** AND CANNOT BECOME LAW OR STAND AS LAW AND MAY BE COLLATERALLY ATTACKED FOR FRAUD UPON THE COURT WHICH IS FREE OF ALL PROCEDURAL LIMITATIONS, ESPECIALLY SINCE THE CONDITIONAL ORDER IS NOW OFFICIALLY SIGNED AND IS NO LONGER MERELY A PIECE OF PAPER ALLOWING THE S.C. SUPREME COURT TO GIVE REVIEW UNDER THE TORRENCE CASE. UNLESS THERE IS PERMISSION NOW OFFICIALLY GIVEN BY THE S.C. SUPREME COURT WHERE THEIR ORIGINAL JURISDICTION IS INVOKED? THE BERKELEY COURT HAS NO JURISDICTION WHERE THESE ISSUES INVOLVE MULTIPLE COUNTIES AND INMATES. ONCE THE CONDITIONAL ORDER IS SIGNED AND FILED ESTABLISHED WITHIN THE COURT RECORD. IT CAN BE COLLATERALLY ATTACKED FOR FRAUD UPON THE COURT WHERE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS INVOKED. JURISDICTION TO HEAR ALL MERITS RELATED TO THESE MULTIPLE COUNTY CASES PRESENTLY LIE BEFORE THE S.C. SUPREME COURT IN ITS ORIGINAL JURISDICTION, ASTERBADI v. LEITESS, 176 Fed. Appx' 426 CA4 (Va.2006); PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402 (D.C.Md.2016); MYLES v. DOMINOS PIZZA, LLC., 2017 WL 238436 (D.C.Miss.2017); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); IN RE: GENESYS DATA TECHNOLOGIES INC., 204 F3d. 124 (4th.Cir.2000).

INSOMUCH, SILENCE WILL EQUATE WITH FRAUD WHEN THERE IS A LEGAL AND MORAL DUTY TO SPEAK AS THERE IS IN THIS CASE RELATED TO THE JURISDICTIONAL CHALLENGES AND QUESTIONS. KNOWING FAILURE TO DISCLOSE MATERIAL INFORMATION, LIKE WHETHER THE SUBJECT MATTER JURISDICTION CLAIMS ARE VALID AND MERITOUS, NECESSARY TO PREVENT THE CHIEF ADMINISTRATIVE JUDGE AND SOLICITOR'S STATEMENTS FROM BEING MISLEADING VIOLATING 18 U.S.C. §§ 242 AND 1001 IS FRAUD. THE APPLICANT/APPELLANT MOVES TO STRIKE THEM FROM THE RECORD SINCE THE COURT'S JURISDICTION IS MADE VOID BY THE UNCONSTITUTIONAL ACTION IN THE FIRST PLACE WHERE THESE MATTERS

ARE BEFORE THE S.C. SUPREME COURT VIA TORRENCE APPEAL AND THE INVOKING OF THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION AND NO OFFICIAL LEAVE TO DO SO IS SERVED UPON THE APPLICANT/APPELLANT OR ENTERED IN THE COURT RECORD. IT'S FRAUD. PUBLIC OFFICIAL(S), JUDGES, CONCEALING MATERIAL INFORMATION AS FIDUCIARY TO THE PUBLIC ALSO TO DENY THE APPLICANT/APPELLANT APPEALABLE ISSUES IS FRAUD, U.S. v. KORN, F.SUpp.2d., 2013 WL 289056(W.D.N.Y.2013); TONEY v. COM., 1998 WL 684203 (4th.Cir.1998); SEC v. FARMER, F.Supp.3d., 2015 WL 5838867(S.D.Tex.2015); U.S. v. MOSBERG, 866 F.Supp.2d., 2008 WL 2223869(W.D.Pa.2008); U.S. v. BANK OF AMERICA CORP., F.Supp.2d., 2014 WL 2777397 (N.C.2014).

SUPPRESSION OF TRUTH WITH THE INTENT TO DECEIVE IS FRAUD. FRAUDULENT CONCEALMENT WITHOUT ANY MISREPRESENTATION OR DUTY TO DISCLOSE CAN CONSTITUTE FRAUD, EVEN IN ABSENCE OF FIDUCIARY DUTY, STATUTORY, OR OTHER INDEPENDENT LEGAL DUTY TO DISCLOSE MATERIAL INFORMATION, SUCH AS THE JURISDICTIONAL ISSUES ARE NOT SUBJECT TO STATUTE OF LIMITATIONS BAR OR SUCCESSIVE BAR. COMMON LAW FRAUD INCLUDES ACTS TAKEN TO CONCEAL, LIKE THE COURT CONCEALED BY THE RESPONSE RULING ON THE JURISDICTIONAL CLAIMS THAT CANNOT BE WAIVED OR FORFEITED, CREATE FALSE IMPRESSION, LIKE THE APPELLANT DID NOT DEFEAT THE PROCEDURAL RESTRICTIONS AND OR REQUIREMENTS, MISLEAD, OR OTHERWISE DECEIVE TO PREVENT OTHER PARTY FROM ACQUIRING MATERIAL INFORMATION, SUCH AS A RULING ON THE DEFAULT AND FORFEITURE AND ON THE JURISDICTIONAL CLAIMS MADE, ESTABLISHES THE JURISDICTIONAL CLAIMS BY THEIR SILENCE AND THE UNCONSTITUTIONAL ACTION ON THE PART OF THE BERKELEY CHIEF ADMINISTRATIVE JUDGE INCLUDING DEFAULT ON ALL MATTERS ARGUED IN THIS CASE SUB JUDICE, U.S. v. COTTON, 231 F3d. 890(4th.Cir.2000); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); IN RE: DURAMAX DIESEL LITIGATION,--F.R.D.--, 2018 WL 949856(E.D.Mich.2018); UNITED STATES v. PALIN, 874 F3d. 418(4th.Cir.2017); UNITED STATES v. LUSK, 2017 WL 508589(S.D.Va.2017); UNITED STATES v. CALLOWAY, F.Supp.3d., 2016 WL 4269961(N.D.Cal.2016); MORRISON v. ACCUWEATHER, INC., F.SUpp.3d., 2016 WL 3015226(M.D.Pa.2016).

THE APPLICANT/APPELLANT BRINGS THE COURT(S) AND ALL PARTIES ATTENTION TO EXHIBIT, "DEFAULT AND VOIDING OF JURISDICTION", THE AFFIDAVIT OF FACTS*** THAT WAS RECENTLY FILED IN THE BENJAMIN ERIC CASES PCR PROCEEDING IN GREENVILLE COUNTY COMMON PLEAS COURT THAT CASE IN THE PROCESS OF BEING ASSIGNED A CASE NUMBER BEFORE THE S.C. SUPREME COURT ALSO SEEKING TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION. THE APPLICANT/APPELLANT CHALLENGES THE BERKELEY COUNTY CHIEF ADMINISTRATIVE JUDGE AND THE BERKELEY COUNTY COURT'S JURISDICTION TO EVEN ISSUE THE CONDITIONAL ORDER WHICH AGAIN IS WHY THE APPLICANT/APPELLANT SEEKS LEAVE TO APPEAL IT PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS, AND IT BE DEEMED A FINAL ORDER FOR THAT PURPOSE OF APPEAL ON THIS PARTICULAR ISSUE, BECAUSE THE COMMON PLEAS COURT DO NOT POSSES JURISDICTION TO ISSUE IT PURSUANT TO UNITED STATES v. WHEELER, 886 F3d. 415 (4th.Cir.2018); 139 S.Ct. 1318 (U.S.2019) AND FORTBEND COUNTY, TEXAS v. DAVIS, 139 S.Ct. 1843(U.S.2019), AND THE STATE IS IN DEFAULT AND FORFEITURE ON EVERY CLAIM, EVERY DOCUMENT, EVERY INTERVENTION, EVERY MOTION AND PETITION FILED IN THIS CASE SUB JUDICE OR THEY WOULD BE IN CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE. THE APPLICANT/APPELLANT HAS AN IDENTICAL DOCUMENT LIKE THIS FILED UNDER CASE 2019-CP-08-1992, AS DO THE OTHER INMATES INVOLVED FROM THE VARIOUS COUNTIES REQUIRING S.C. SUPREME COURT ORIGINAL JURISDICTION REVIEW, WHERE THE DOCUMENT IN QUESTION IS FILED IN THE BENJAMIN ERIC CASE PCR PROCEEDING UNDER CASE 2020-CP-23-01050 AND THE S.C. SUPREME COURT. THE BERKELEY COUNTY COURT IN FUNDAMENTAL FAIRNESS TO THE APPLICANT AND OTHER INMATES DO NOT HAVE JURISDICTION TO HEAR MATTERS INVOLVING MULTIPLE COUNTY JURISDICTIONS, ESPECIALLY IN LIGHT OF THE FACT THAT ITS JURISDICTION IS MADE VOID BY THE DUE PROCESS CLAIMS ARGUED OR IT WOULD BE A CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE. WITHOUT JURISDICTION, THE COMMON PLEAS COURT CANNOT PROCEED AT ALL IN ANY CAUSE. JURISDICTION IS THE POWER TO DECLARE LAW, AND WHEN IT CEASE TO EXIST, THE ONLY FUNCTION LEFT TO THE COURT IS THAT OF ANNOUNCING THE FACT AND DISMISSING THE

CAUSE AGAINST THE APPLICANT/APPELLANT RELATED TO THE CONVICTION, NOT PRODUCE AN ILLEGAL CONDITIONAL ORDER OF DISMISSAL. THUS, THE CONDITIONAL ORDER PURSUANT TO THE PREVIOUSLY CITED CASES MUST BE DEEMED A FINAL ORDER FOR PURPOSES OF APPEAL AND MUST BE DEEMED VOID FOR THE UNCONSTITUTIONAL ACTION ARGUED, BECAUSE BY IT THE COMMON PLEAS COURT IS DECLARING LAW. THE COMMON PLEAS COURT HAS NO JURISDICTION TO DO SO DUE TO THE DEFAULT AND VOIDING OF JURISDICTION PRODUCING A CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE. THE CONDITIONAL ORDER MUST BE DEEMED A FINAL ORDER PURSUANT TO TORRENCE, WHEELER AND FORTBEND SINCE NO OTHER ACTION EXCEPT DISMISSING THE CAUSE OF ACTION AGAINST THE APPLICANT/APPELLANT CAN BE FILED WITHIN THIS CASE IN FUNDAMENTAL FAIRNESS TO THE APPELLANT. THE APPLICANT/APPELLANT SEEKS LEAVE TO APPEAL THE NOW SIGNED CONDITIONAL ORDER PURSUANT TO TORRENCE SUPPLEMENTING IT TO THE S.C. SUPREME COURT PROCEEDINGS UNDER CASE 2020-001615. THE STATE FAILED TO TIMELY RESPOND TO CHALLENGE AND SHOULD NOT BE ABLE TO DO SO NOW VIOLATING THE APPLICANT/APPELLANT'S SUBSTANTIAL DUE PROCESS RIGHTS, UNITED STATES v. OLANO, 507 U.S. 725, 113 S.Ct. 1770, 123 L.Ed.2d. 508 (U.S.1993); MOHAWK INDUSTRIES, INC. v. CARPENTER, 558 U.S. 100, 130 S.Ct. 599, 175 L.Ed.2d. 458(U.S.2009).

ALL ORDERS THAT HAVE A DIRECT IMPACT ON SUBSTANTIAL DUE PROCESS RIGHTS ARE APPEALABLE IN LIGHT OF THE FACT THAT THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS INVOKED AND REVIEW IS SOUGHT PURSUANT TO THE TORRENCE CASE THE S.C. SUPREME COURT JUST RULED ON. THE S.C. SUPREME COURT MUST TAKE NOTICE DUE TO THE JURISDICTIONAL CLAIM THAT INITIALLY EMERGED FROM THE S.C. SUPREME COURT RELATED TO THE STATE v. GENTRY CASE WHICH IS THE SOURCE OF THE CONTROVERSY, ALSO DUE TO THESE MATTERS INVOLVING INMATES FROM MULTIPLE COUNTIES AROUND THE STATE WITH THE SAME IDENTICAL ISSUES ESSENTIALLY. THESE CLAIMS CANNOT BE WAIVED OR FORFEITED IN FUNDAMENTAL FAIRNESS TO THE APPLICANT/APPELLANT AND THE APPLICANT/APPELLANT MUST BE GIVEN LEAVE TO SUPPLEMENT THE PLEADING UNDER CASE 2020-001615 WITH THE JURISDICTIONAL CLAIMS TO

HAVE THIS INJUSTICE AND FRAUD UPON THE COURT, CONSPIRING UNDER COLOR OF STATE LAW AND OBSTRUCTION OF JUSTICE ADDRESSED OR IT WOULD VIOLATE NOT JUST THE SEPARATION OF POWERS CLAUSE, BUT ALSO THE APPLICANT/APPELLANT'S RIGHTS UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE, BODMAN v. STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); MARSHALL v. CITY OF ROCK HILL, S.E.2d., 2015 WL 3884258(S.C.App.2015); IANNELLI v. U.S., 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d. 616; HOLLOWAY v. PERRY, 2016 WL 4074149; STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INSURANCE COMPANY, 2020 WL 60932 (S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879, * 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, * 1, W.D.Tex.; UNITED STATES v. GORDON, 2019 WL 5586966, * 1 E.D.Mich.; IN RE: GEE, 941 F3d. 153, 161+ 5TH. Cir.(La.); UNITED STATES v. CAVERGNE, 785 Fed. Appx' 212, 217+ 5TH. Cir.Tex.; HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400 * D.Md.; BARNES v. GIVENS, 2019 WL 5579543, * 3, W.D.Tex.; WALLS v. BOEING COMPANY, 2019 WL 4931365 * 2 D.S.C..

IT DOESN'T MATTER WHERE THE LEGAL ISSUES ARGUED CAME FROM. THEY COULD HAVE CAME FROM FORMER PRESIDENT OBAMA, SUDAM HUSAIN, THE INCREDIBLE HULK, AN ANGEL FROM HEAVEN, IRON MAN, SUPERMAN, THE AID OF THE LAW LIBRARY CLERK LAWRENCE CRAWFORD, OR PRESIDENT ABRAHAM LINCOLN. ONCE THE APPLICANT/APPELLANT COLLECTIVELY AND OR JOINTLY WORKED ON AND RESEARCHED THE LEGAL ISSUES OF CONCERN MAKING THEM ALSO **"PERSONALLY"** HIS OWN, AND **"PERSONALLY"** (EMPHASIS ADDED) DETERMINED THAT THE LEGAL ISSUES IN QUESTION DIRECTLY IMPACT HIS CASE, AND THEN **"PERSONALLY"** (EMPHASIS ADDED) DECIDED TO PLACE THE LEGAL ISSUES IN HIS CASE WHERE THE APPLICANT IS MASTER TO DECIDE WHAT LAW HE WILL RELY UPON? TO PREVENT OR DENY AND OR IMPEDE AND OR OBSTRUCT THEIR REVIEW IN THE APPLICANT/APPELLANT'S CASE WOULD BE A CRIMINAL ACT OF CONSPIRACY, OBSTRUCTION OF JUSTICE AND A VIOLATION OF THE APPLICANT/APPELLANT'S CONSTITUTIONAL DUE PROCESS RIGHT OF

AUTONOMY, McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821 (U.S.2018); THE FAIR v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410(U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425(U.S.1987).

IT IS WELL SETTLED IN LAW THAT WILLFUL BLINDNESS AND CONSCIOUS AVOIDANCE IS THE LEGAL EQUIVALENT TO KNOWLEDGE. THIS APPLIES TO THE S.C. SUPREME COURT ALSO IF THEY FAIL TO GIVE JUST AND FAIR REVIEW. THE COMMON PLEAS COURT HAS WILLFULLY, BLINDLY AND CONSCIOUSLY AVOIDED CLEAR JURISDICTIONAL CHALLENGES BEING SILENT ON THE ISSUES IN THIS FRAUDULENTLY PRODUCED CONDITIONAL ORDER AND ATTORNEY GENERAL AND OR SOLICITOR'S RESPONSE, WHICH THEY WERE VOID OF JURISDICTION TO PRODUCE UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION. THE S.C. SUPREME COURT AT PRESENT DUE TO THESE MATTERS ALSO INVOLVING MULTIPLE INMATES ACROSS MULTIPLE COUNTY JURISDICTIONS IS THE PROPER VENUE AND JURISDICTION TO HAVE ALL OF THESE MATTERS ADDRESSED, NOT THE BERKELEY COUNTY COURT OF COMMON PLEAS. THE APPLICANT/APPELLANT OBJECTS AND RENEWS ALL PREVIOUSLY FILED PETITIONS, MOTIONS, ETC. AND SEEK TO SUPPLEMENT THESE JURISDICTIONAL CLAIMS THAT CANNOT BE WAIVED OR FORFEITED UNDER CASE 2020-001615 TO ADDRESS THE FRAUD AND MANIFEST INJUSTICE IN LIGHT OF THE FACT THAT THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS ALREADY INVOKED, ALSO DUE TO THE RECENT TORRENCE RULING, AND THE S.C. SUPREME COURT IS THE SOURCE OF THE GENTRY CASE CONTROVERSY. THE APPLICANT/APPELLANT AGAIN SEEKS LEAVE TO APPEAL THE NOW SIGNED CONDITIONAL ORDER SUBMITTED BY THE PROSECUTOR, STATE ACTORS AND COURT, DUE TO THE COMMON PLEAS COURT DECLARING LAW IN WHICH IT HAD NO JURISDICTION TO DO, WHERE NOW IT IS INDISPUTABLE DUE TO THE SEEKING LEAVE TO APPEAL PURSUANT TO TORRENCE THEY WOULD NOW NEED PERMISSION OFFICIALLY GIVEN ON THE COURT RECORD AND SUCH NOTICE BE SERVED UPON THE APPLICANT/APPELLANT. IN AN ABUNDANCE OF CAUTION THIS DOCUMENT IS ALSO FILED TO DEMONSTRATE WHY THE CONDITIONAL ORDER SHOULD NOT BECOME FINAL TO PREVENT THE ACTS OF MACHINATION CONSPIRED IN BY

THE STATE ACTORS AND BERKELEY COUNTY CHIEF ADMINISTRATIVE JUDGE AND COURT. THE APPLICANT/APPELLANT AS DO THE OTHER INMATES FROM THE MULTIPLE COUNTY JURISDICTIONS SEEK THAT THE S.C. SUPREME COURT ADDRESS ALL MERITS OF THESE MULTIPLE COUNTY JURISDICTION CASES, GLOBAL-TECH APPLIANCES, INC. v. S.E.B., S.A., 563 U.S. 754, 131 S.Ct. 2060, 179 L.Ed.2d. 1167(U.S.2011); U.S. v. FERGUSON, 676 F3d. 440, 105 Fed. R. EVID. SERV. 207 (1st.Cir.2017); U.S. v. JINWRIGHT, 683 F3d. 471(4th.Cir.2021); SORRINGWIND ENERGY, LLC. v. CATIC U.S.A. INCORPORATED,--F3d.--, 5TH. Cir.(Tex.); 460 S. LAKE AVENUE, LTD. v. APPLETON, 2019 WL 7184737, * 1 C.D.Cal.; SLAYTON v. JOHNSON AND JOHNSON, 2019 WL 7208414, * 1 C.D.Cal.; ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235(U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168 (Fed.Cl.2020); HICKS v. HEART OF HOSPICE, LLC., 2019 WL 6255496(N.D.Miss.2019); KRIKORIAN v. FORD MOTOR COMPANY, 2019 WL 7042939 *S.D.Ala.2019); JEFFERS v. J.P. MORGAN CHASE & CO., 2019 WL 6255311, * 1, S.D.Tex.. THE STATE OF SOUTH CAROLINA AND THE ATTORNEY GENERAL AND OR SOLICITOR'S OFFICE ARE IN FORFEITURE ON EVERYTHING THAT WAS FILED AND ARGUED WITHIN THIS CASE SUB JUDICE, EVERYTHING, DUE TO THEIR ATTEMPTS AT FRAUD, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE AND DUE TO THEIR FAILURE TO TIMELY RESPOND WITHIN (365) DAYS OF THE CASE'S FILING AS THE STATUTE(S) BEING ARGUED REQUIRED. TO DETERMINE OTHERWISE WOULD VIOLATE THE SEPARATION OF POWERS CLAUSE. THE APPLICANT/APPELLANT OBJECTS. THEY ARE PROCEDURALLY BARRED TO SUBMIT THE CONDITIONAL ORDER AND ANY RESPONSE ATTACHED TO IT REQUIRING THAT THEY BE RENDERED UNCONSTITUTIONAL AND VOID AND THE APPLICANT/APPELLANT'S SENTENCE AND CONVICTION BE VACATED DUE TO THE UNCONSTITUTIONALITY THE PROCEEDINGS HAS NOW BECOME. THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION DUE TO MULTIPLE INMATES FROM MULTIPLE COUNTIES IS INVOKED MAKING THE S.C. SUPREME COURT THE APPROPRIATE VENUE AND JURISDICTION TO HAVE ALL MERITS ADDRESSED TO INCLUDE THE VACATING OF THE APPLICANT/APPELLANT'S SENTENCE AND CONVICTION, ANTHONY W. HALL, PLAINTIFF v. FRENKEL,

LAMBERT,...., 2020 WL 136658, * 2, E.D.N.Y.; DAVIS v. PALUMBO, 2019 WL 6915949, * 1, W.D.MO..

THE APPLICANT/APPELLANT MOVES FOR AN INJUNCTION AND DECLARATORY JUDGMENT TO HAVE JUDGE YOUNG RECUSED FROM THIS CASE AND TO VOID THE CONDITIONAL ORDER DUE TO THE POTENTIAL FOR BIAS RISING TO AN UNCONSTITUTIONAL LEVEL PRODUCING STRUCTURAL ERROR THAT VOIDS HIS JURISDICTION AB INITIO PURSUANT TO WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899 (2016). THE APPLICANT/APPELLANT HAD NO IDEA JUDGE YOUNG WAS SITTING UPON THIS CASE UNTIL NOW. JUDGE YOUNG KNOWS BETTER, VIOLATING HIS OATH OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTIONS, ABUSING HIS DISCRETION, PRODUCING THIS MISCARRIAGE OF JUSTICE WHEN HE COULD HAVE EASILY TRANSFERRED THIS CASE TO BE HANDLED BY ANOTHER JUDGE. HE FAILED TO DO SO BECAUSE IS INTENT WAS TO DENY THE APPLICANT/APPELLANT THE SUBSTANTIAL DUE PROCESS RIGHTS ARGUED. JUDGE YOUNG SAT ON TWO OF THE APPLICANT/APPELLANT'S CASES PRIOR TO THIS; THE APPELLANT'S BOND HEARING PROCEEDINGS IN WHICH HE IN BIAS DENIED THE APPELLANT HIS BOND. HE ALSO SAT ON A PROCEEDING SEEKING TO REMOVE STATE APPOINTED COUNSEL FROM THE APPLICANT/APPELLANT'S CASE, WHERE THAT COUNSEL CONSPIRED UNDER COLOR OF STATE LAW WITH THE SOLICITOR'S OFFICE AND JUDGE YOUNG TO COMPROMISE THOSE PROCEEDINGS AND THROW THE APPLICANT/APPELLANT UNDER THE BUS. IT BECOMES PERSPICUOUS THAT JUDGE YOUNG SHOULD HAVE NEVER SAT UPON THESE PROCEEDINGS TO ACT IN A SIMILAR MANNER, WHICH IS CLEARLY DEMONSTRATED BY THE COMPROMISED JUDGE ALLOWING THE CONDITIONAL ORDER TO BE ISSUED IN THIS CASE, IGNORING CLEAR INDISPUTABLE JURISDICTIONAL CHALLENGES WHERE THE COMMON PLEAS COURT IS VOID OF JURISDICTION DUE TO THE UNCONSTITUTIONAL ACTION ARGUED. THIS IS CLEAR MANIFEST INJUSTICE, DEMONSTRATING THAT BY HIS PRESENCE THE POTENTIAL FOR BIAS RISES TO AN UNCONSTITUTIONAL LEVEL, VOIDING JUDGE YOUNG'S JURISDICTION AB INITIO VIA THE CONSTITUTIONAL STRUCTURAL ERROR THAT EXIST BY HIM SITTING ON THIS CASE WHEN HE COULD HAVE EASILY TRANSFERRED THIS CASE TO ANOTHER JUDGE, WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359(U.S.2016); UNITED STATES v. QUINONES,--F.Supp.3d.--, 2016 WL 4413149 (S.D.W.Va.2016);

KENWOOD GARDENS CONDOMINIUM, INC. v. WHALEN PROPERTIES, LLC., 2016 WL 6788052 * 11+ (Md.2016).

INASMUCH, IF YOU TAKE A FATALLY DEFECTIVE INDICTMENT(S) AND BRING IT BEFORE A CRIMINAL COURT FOR THE PURPOSE OF ILLEGALLY PROCURING A CONVICTION, CONSTRUCTIVELY AMENDING THE INDICTMENT(S) ALL OVER THE PLACE ON ESSENTIAL ELEMENTS AND OR ALLEGATIONS OF THE OFFENSE(S), INCLUDING THE MENS REA ELEMENTS OF THE OFFENSE(S), TAKING AWAY THE PRESUMPTION OF INNOCENCE, PREDETERMINING IN ADVANCE THE OUTCOME OF THE PROCEEDINGS, DESPITE ANY INSUFFICIENT CURATIVE INSTRUCTION, **"BOILERPLATE",** SHIFTING THE BURDEN OF PERSUASION, DEPRIVING THE DEFENDANT OF PROPER AND FAIR NOTICE, AND OF KNOWLEDGE OF EXACTLY WHAT HE IS CALLED UPON TO MEET AND DEFEND? THOSE CRIMINAL PROCEEDINGS IN QUESTION BECOME A VIOLATION OF DUE PROCESS LAW, IS A FORM OF PROSECUTIONAL MISCONDUCT, IS AN ACT OF FRAUD UPON THE COURT, IS A VIOLATION OF THE 4TH., 5TH., 6TH., 13TH., 14TH., 15TH. AMENDMENTS OF THE U.S. CONSTITUTION BY WHAT IS ARGUED IN THIS CASE, BECOMES UNCONSTITUTIONAL AND **"VOIDS"** THE CRIMINAL COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG AS THE GENTRY COURT IN AN ABUSE OF DISCRETION DONE IN THE PAST. THE CLAIM(S) BEING JURISDICTIONAL IN NATURE, CANNOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL ORDER IN ANY OF THE RELEVANT CASES INVOLVED HAS BEEN ISSUES (SEE CITATIONS OF LAW ARGUED). ANY ACT, ORDER, JUDGMENT OR LAW THAT STAND IN BLATANT DEFIANCE TO THE U.S. CONSTITUTION OR THAT IS CONTRARY TO DUE PROCESS LAW, CANNOT BECOME LAW OR STAND AS LAW. THUS, THE APPLICANT/APPELLANT'S SENTENCE AND CONVICTION MUST BE VACATED, WHICH DO NOT EVEN TAKE INTO ACCOUNT THE OTHER LEGAL ISSUES AND DUE PROCESS VIOLATIONS ARGUED AND DEFAULTED ON BY THE STATE OF SOUTH CAROLINA PLACING THEM IN FORFEITURE ON ALL CLAIMS MADE AND ON ALL CAUSES OF CONVICTION, PETITIONS TO INTERVENE, AND EVERYTHING ELSE THAT IS ARGUED IN THIS CASE SUB JUDICE, BANK MARKAZI v. PETERSON, 136 S.Ct. 1310, 194 L.Ed.2d. 463, 84

U.S.L.W. 4222 (U.S.2016); STAR ATHLETICA, LLC. v. VARSITY BRANDS, INC., 137 S.Ct. 1002, 197 L.Ed.2d.354, 85 U.S.L.W. 4139(U.S.2017); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); WELLS FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018).

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES SUCH AS THE ONES BEING ARGUED WITHIN THIS CASE. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION, SUCH AS THE GENTRY RULING, SUCH AS ORDERING AND OR ALLOWING THIS CONDITIONAL ORDER TO BE SIGNED AND FILED, OR THE ATTORNEY GENERAL AND OR SOLICITOR'S RESPONSE AND OTHER MATTERS ARGUED, AND OR AN UNCONSTITUTIONAL LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDE FRAUD. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE **"FOUNDATION"** OF THE **"WHOLE"** (EMPHASIS ADDED) PROCEEDING, CONFIRMING ALSO THAT **"FRAUD AND UNCONSTITUTIONAL ACTION VITIATES EVERYTHING THEY ENTER."** AN UNCONSTITUTIONAL LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION IS **"[V]OID"** AND IS AS IF THERE WERE NO LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR CONDITIONAL ORDER AND OR ATTORNEY GENERAL OR SOLICITOR'S RESPONSE MADE OR DONE AT ALL, BEING STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE, ESPECIALLY IN LIGHT OF THE DEFAULT, WHICH HAVE JURISDICTIONAL RAMIFICATIONS AS WELL. THE GENERAL RULES IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT AND OR CRIMINAL CONVICTION, WHICH INCLUDE THE CONDITIONAL ORDER AND ATTORNEY GENERAL/SOLICITOR'S RESPONSE, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS **"WHOLLY VOID"** AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE ANY JUDICIAL DETERMINATION OR CONVICTION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE DATE OF ITS ENACTMENT AND OR WHEN IT WAS DONE....IN LEGAL

CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR LAW AND OR ACT IS **"VOID"**, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO ANSWER OR MAINTAIN THE CONDITIONAL ORDER OR RESPONSE OR CONVICTION RELATED THERETO), CONFERS NO RIGHTS (THE STATE HAS NO RIGHT TO THIS ILLEGAL CONVICTION PROCURED BY FRAUD AND VIOLATIONS OF DUE PROCESS LAW OR RIGHT TO THE CONDITIONAL ORDER OR STATE RESPONSE.), CREATES NO OFFICE (JUDICIAL, PROSECUTIONAL OR OTHERWISE), BESTOWS NO POWER OR AUTHORITY ON **"ANY PERSON"** (EMPHASIS ADDED)[WHICH MEAN THAT THE COURT(S) INVOLVED JURISDICTION IS MADE VOID PLACING THE STATE AND COURTS INVOLVED IN FORFEITURE], AFFORDS NO PROTECTION (THE COURTS AND PROSECUTORS ARE NOT IMMUNE IF THEY FAIL TO CORRECT THIS MISCARRIAGE OF JUSTICE WHICH VIOLATES THEIR OATHS OF OFFICE TO UPHOLD THE CONSTITUTION(S).), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (SUCH AS THE STATE MAINTAINING THE CONVICTION OR REQUIRING THE APPLICANT/APPELLANT TO RESPOND TO THE TAINTED, CORRUPTED, ILLEGAL PROCEEDING SUB JUDICE VOIDING THE CONVICTION)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE WHERE HERE IT IS COMPOUNDED BY EGREGIOUS ACT OF FRAUD UPON THE COURTS INVOLVED RELATED TO THESE ISSUES OF CONCERN. AN UNCONSTITUTIONAL LAW AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION CANNOT OPERATE TO SUPERSEDE OR BE PERMITTED TO DEPRIVE A DEFENDANT OF LIBERTY. INDEED INSOFAR AS A CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR LAW AND OR ACT RUNS COUNTER TO THE FUNDAMENTAL LAW OF THE LAND, (THE U.S. CONSTITUTION, DUE PROCESS LAW, THAT INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG OF SUBJECT MATTER JURISDICTION, THAT THE S.C. SUPREME COURT HAS ORIGINAL JURISDICTION OVER THESE MULTIPLE COUNTY MATTERS, NOT THE BERKELEY COURT.), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL LAW AND OR ACT AND OR JUDICIAL DETERMINATION. A REVERSIBLE CONVICTION IS REVERSIBLE REGARDLESS OF THE REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY

ERRONEOUS, BUT IT IS ILLEGAL AND VOID AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. ALL RULES, STATUTES, LAWS, PRACTICES (LIKE THE FRAUD, OBSTRUCTION, CRIMINAL CONSPIRACY AND MACHINATION ENGAGED IN BY THE STATE PARTIES INVOLVING THESE LEGAL ISSUES.), WHICH ARE REPUGNANT TO THE U.S. CONSTITUTION AND DUE PROCESS LAW ARE **"NULL"** AND **"VOID"**, UNITED STATES v. LIBOUS, 858 F3d. 64 (2nd.Cir.2017); CITY OF LEBANNON v. MILBURN, 286 Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., ILL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cal.2017); UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016); MARTIN v. UNITED STATES, 2018 WL 1626578, * 2, D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 27 F3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES,--S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEFT OUTDOORS, LLC. v. CONSOLIDATION CITY OF INDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D.ILL.; HILL v. SNYDER, 821 F3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423(2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); WELLS FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295(4th.Cir.2017); MOSELY v. UNITED STATES, 2018 WL 1187778(N.C.2018).

INSOMUCH, THIS DOCUMENT PRODUCES MORE THAT SUFFICIENT REASON WHY NO CONDITIONAL ORDER SHOULD BECOME FINAL IN THIS CASE. THE APPLICANT/APPELLANT RENEWS THE MOTION AND OR PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION, RENEWS HIS NOTICE SEEKING LEAVE TO APPEAL THIS NOW OFFICIALLY SIGNED CONDITIONAL ORDER SEEKING REVIEW PURSUANT THE TORRENCE CASE AND RENEW ALL OTHER PREVIOUSLY FILED OBJECTIONS, MOTIONS, PETITIONS,

INJUNCTIVE AND DECLARATORY RELIEF SOUGHT. AS LONG AS THE CASE IS NOT MOOT WHERE THESE MATTERS INVOLVE NUMEROUS INMATES ACROSS MULTIPLE COUNTY JURISDICTIONS WHOSE CASES ARE OBVIOUSLY STILL PENDING? THE APPLICANT/APPELLANT IS ENTITLED TO SEEK THE RELIEF OF INVOKING THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WHERE ONE COUNTY CANNOT ADJUDICATE FOR ALL THE COUNTIES INVOLVED, TANDOM v. NEWSOM,--S.Ct.--, 2021 WL 1328507 (U.S.2021).

WHEN THE APPLICANT/APPELLANT IS STILL BEING BARRED FROM CHALLENGING HIS INDICTMENT DEFECTS AS A SUBSTANTIAL DUE PROCESS VIOLATION AND JURISDICTIONAL CLAIM WHICH IS PERSPICUOUS BY THE FACT THAT THE CONDITIONAL ORDER IN FRAUD CIRCUMVENTED MAKING EFFORT TO EVEN ADDRESS THE ISSUE WHERE THE STATE GOVERNMENT IS CONSTANTLY, CONTINUALLY MAKING USE OF THE STATE v. GENTRY CASE AGAINST THE APPLICANT/APPELLANT AND ALL INMATES WITHIN THIS STATE? THE S.C. SUPREME COURT MUST ACT AND THE LEGAL CLAIMS CANNOT BE DEEMED MOOT EVEN IF THE LOWER COURT IN ACTS OF FRAUD UPON THE COURT ATTEMPT TO MAKE THE CONDITIONAL ORDER A FINAL ORDER, FRIENDS OF THE EARTH INC. v. LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC., 528 U.S. 167, 120 S.Ct. 693(U.S.2000); UZUEGBUNAM v. PRECZEWSKI, 141 S.Ct. 792 (U.S.2021); GENESIS HEALTHCARE CORP. v. SYMCZYK, 569 U.S. 66, 133 S.Ct. 1523, 185 L.Ed.2d. 636(U.S.2013); HANSEN v. UNITED STATES,--Fed.Appx'--, 2021 WL 1016424 (10th.Cir.2021). SINCE THE APPLICANT/APPELLANT HAS A CONSTITUTIONAL DUE PROCESS RIGHT RELATED TO THE ISSUES OF CONCERN. THE CONTROVERSY STILL REMAINS EMBED IN AN ACTUAL CONTROVERSY ABOUT THE APPLICANT/APPELLANT'S LEGAL RIGHTS WARRANTING THE S.C. SUPREME COURT TO INVOKE ITS ORIGINAL JURISDICTION TO RESOLVE THE CONTROVERSY, ALREADY. LLC. v. NIKE, INC., 568 U.S. 85, 133 S.Ct. 721, 184 L.Ed.2d. 553 (U.S.2013); WALKER v. STATE, 843 S.E.2d. 561 (Ga.2020).

RESPECTFULLY,
RON SANTA McCRAY
Ron Santa McCray

MAY 16, 2021

EXHIBIT, "CASE 2020-000974"

File in CASE

2021-000629

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPELLATE CASE NO. 2020-000974

APPEAL FROM S.C. COURT OF APPEALS
CASE NO. 2020-001667

APPEAL FROM RICHLAND COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2006-CP-400-3567 ET. AL.,

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE

APPELLANT/PETITIONER

Vs.

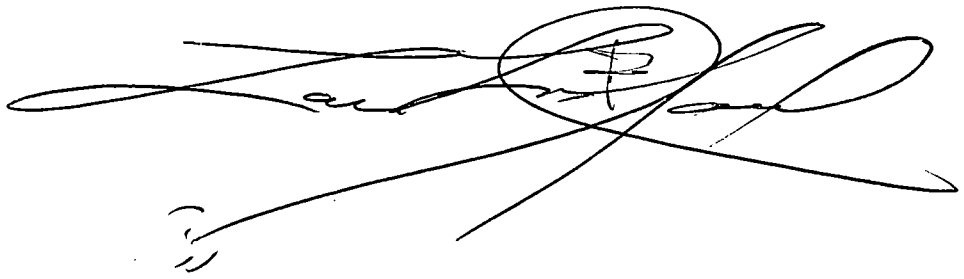
THE STATE OF SOUTH CAROLINA ET. AL.,

RESPONDENT(S)

AFFIDAVIT OF SERVICE

I, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO SUPPLEMENT AND MOTION TO CHALLENGE ANY CLAIM OF MOOTNESS; MOTION FOR AN INJUNCTION AND OR PROTECTIVE ORDER DUE TO THREAT OF IMMINENT DANGER; MOTION TO ADVANCE THE CAUSE RELATED THERETO; MOTION FOR A P.R. BOND AND MOTION TO MOTION THEREFOR, ON THE S.C. SUPREME COURT AND ALL INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID BY PLACING IT IN THE INSTITUTION MAILBOX ON JUNE 9, 2021.

RESPECTFULLY,
JONAH THE TISHBITE



JUNE 8, 2021

IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPELLATE CASE NO. 2020-000974

APPEAL FROM S.C. COURT OF APPEALS
CASE NO. 2020-001667

APPEAL FROM RICHLAND COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2006-CP-400-3567 ET. AL.,

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE

APPELLANT/PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA ET. AL.,

RESPONDENT(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO SUPPLEMENT AND MOTION TO CHALLENGE ANY CLAIM OF MOOTNESS; MOTION FOR AN INJUNCTION AND OR PROTECTIVE

ORDER DUE TO THREAT OF IMMINENT DANGER; MOTION TO ADVANCE THE CAUSE RELATED THERETO; MOTION FOR A P.R. BOND AND MOTION TO MOTION THEREFOR

IN RE: CRAWFORD AND THE OTHER APPELLANTS INVOKING THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION. FOR THE RECORD. THIS IS A TYPED VERSION OF THE EXACT HANDWRITTEN AFFIDAVIT OF FACTS DATED JUNE 8, 2021 THAT WAS PREVIOUSLY FILED WITHIN THIS CASE.

TO: THE S.C. SUPREME COURT,
THE KERSHAW COUNTY COURT OF GENERAL SESSIONS,
THE S.C. DEPT. OF CORRECTIONS,
THE S.C. ATTORNEY GENERAL ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) A COPY OF THE LETTER DATED MAY 26, 2021 FROM THE S.C. SUPREME COURT SENT TO THE KERSHAW COUNTY CLERK TO INQUIRE ABOUT THE APPELLANT/PETITIONER BEING BLOCKED FILING PLEADING BEFORE THE KERSHAW COUNTY CLERK SINCE THE TIME OF HIS CONVICTION.

(2) A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION AND OR PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION; MOTION TO SUPPLEMENT THE PREVIOUSLY FILED AFFIDAVIT OF NON FRIVOLOUS FILING; MOTION FOR AN INJUNCTION; MOTION FOR DECLARATORY JUDGMENT AND MOTION TO MOTION THEREFOR, (9) PAGES DATED MAY 24, 2021. THIS DOCUMENT WAS ALREADY SERVED ON THE S.C. SUPREME COURT, BUT ATTACHED IS AN ADDITIONAL COPY IN AN ABUNDANCE OF CAUTION.

(3) EXHIBIT, "THREAT OF IMMINENT DANGER # 1". THIS IS

A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO ACKNOWLEDGE THE WITHDRAWAL OF A PARTY; MOTION AND OR PETITION TO FILE IN FORMA PAUPERIS; MOTION FOR AN EXTENSION OF TIME TO FILE INFORMAL BRIEF OR FUNCTIONAL EQUIVALENT PLEADING AND MOTION TO MOTION THEREFOR, (14) PAGES DATED MAY 20, 2021 THAT IS FILED IN CASE 21-1330 IN THE 3rd. CIRCUIT.

(4) EXHIBIT, "THREAT OF IMMINENT DANGER # 2". THIS IS THE [12] PAGE S.C.D.C. DOCUMENT DATED MAY 4, 2021. BY THIS DOCUMENTS AND THE APPELLANT EXPOSING THE ACTIONS OF MS. McCRAE IN THE EDUCATION BUILDING, THE APPELLANT'S LIFE HAS BEEN PLACED IN MORTAL DANGER WHICH IS COMPOUNDED BY THE MATTERS ARGUED IN EXHIBIT, "THREAT OF IMMINENT DANGER # 1". IT IS BASED UPON WHAT IS ALLEGED THAT THE APPELLANT MOTIONS TO ADVANCE THE CAUSE, MOTIONS FOR AN INJUNCTION AND OR PROTECTIVE ORDER AND IT BE REQUIRED THAT THE APPELLANT BE IMMEDIATELY REMOVED TO THE COUNTY JAIL WITH ALL OF HIS PROPERTY WITHOUT EXCEPTION, NONE BE SEIZED OR CONFISCATED IN RETALIATION, WITH ALL HIS LEGAL BOXES, WITH THE LEGAL BOXES AND PROPERTY HE CHOOSES REMAINING IN HIS IMMEDIATE POSSESSION UNTIL FINAL PROCESSING OUT THE SYSTEM. IT IS ALSO BY THESE DOCUMENTS AND THAT WHICH IS TO BE ARGUED THAT THE APPELLANT SEEKS A P.R. BOND TO ALSO BE IMMEDIATELY GIVEN SINCE HE IS NO FLIGHT RISK WHERE THERE IS AN ACTUAL INNOCENCE CLAIM BEING ARGUED, AND THE STATE ALREADY DEFAULTED ON THE CONVICTION UNDER CASE 2006-CP-400-3567, 3568, 3569 WHICH IS ALSO BEFORE THIS COURT EMERGING FROM CASE 2020-001667 OUT OF THE S.C. COURT OF APPEALS.

(5) EXHIBIT, "YAHDINA". THIS IS A COPY OF THE FORENSIC D.N.A. APPLICATION NOW FILED WITHIN THE KERSHAW COUNTY GENERAL SESSIONS COURT. BY THIS EVIDENCE PRESENTED. IT IS PERSPICUOUS THAT THE APPELLANT WAS INDEED BLOCKED FROM THE COURT IN FILING AND OR SEEKING THAT D.N.A. WHICH IS SUPPORTED BY CASE 2020-001667 NOW SOUGHT SUPPLEMENTED UNDER CASE 2020-000974 WITHIN THE S.C. SUPREME COURT. THE APPELLANT COULD NOT FILE THE PLEADING. THE APPELLANT'S SISTER WAS FORCED TO FILE IT ON APRIL 15, 2021. THE

KERSHAW COUNTY COURT ALREADY HAS A COPY OF THIS DOCUMENT. THE S.C. SUPREME COURT IN A RECENT RULING UNDER BARNES v. STATE,--S.E.2d.--, 2021 WL 2306725 (S.C.App.2021), HAS TAKEN THE OPPORTUNITY TO REMIND THE CLERKS OF THEIR MINISTERIAL DUTY TO DOCKET FILINGS IRRESPECTIVE OF POTENTIAL FLAWS THAT MAY EXIST, MILLER v. STATE, 377 S.C. 99, 102, 659 S.E.2d. 492, 493 (2008)(IT IS NOT WITHIN THE CLERK OF COURT'S AUTHORITY TO REFUSE TO PERFORM HER DUTY BASED ON HER OPINION THAT A FILING LACKS LEGAL MERIT OR IS UNTIMELY."). THIS DUTY IS NOT DISCRETIONARY. SEE 21 C.J.S. COURTS § 335(2021). UNLESS SPECIFICALLY AUTHORIZED BY STATUTE OR A COURT RULE, A CLERK OF COURT MAY NOT EXERCISE ANY JUDICIAL POWER RESERVED FOR A JUDGE. ID ("THE CLERK CANNOT WITHOUT EXPRESSED CONSTITUTIONAL OR STATUTORY AUTHORITY, EXERCISE ANY JUDICIAL FUNCTION."). THIS INCLUDES THE PROHIBITION OF PERFORMING ANY ACTION CONTINGENT TO DECIDING QUESTIONS OF LAW" ID ("IT FOLLOWS THAT A CLERK OF COURT CANNOT ORDINARILY DETERMINE QUESTIONS OF LAW."). ACCORDINGLY, A CLERK OF COURT DOES NOT HAVE THE AUTHORITY TO REJECT A FILING BASED ON OSTENSIBLE OR PRECEIVED FAILURES, INCLUDING WHETHER THE DOCUMENT IS CONTAINED ON THE PROPER FORM. BECAUSE THE CLERK'S ROLE IS MINISTERIAL IN THIS RESPECT, THE CLERK SHALL NOT BE "CONCERNED WITH THE MERIT OF A PAPERS OR WITH THEIR EFFECT AND INTERPRETATION...." ID § 337. STATED DIFFERENTLY, "[A] CLERK OF COURT MAY NOT REJECT A PLEADING FOR LACK OF CONFORMITY WITH REQUIREMENTS OF FORM; ONLY A JUDGMENT MAY DO THAT, HOOKER v. SIVLEY, 187 F3d. 680, 682 (5th.Cir.1999); ALSO SEE GOROD v. TABACHNICK, 428 Mass. 1001, 696 N.E.2d. 547, 548 (1998). IN ABSENCE OF AN ORDER FROM A JUDGE CLERKS MAY NOT REFUSE TO ACCEPT FILINGS. THE CLERK SHALL ACCEPT THE FILING, THEREBY PERMITTING THE COURT TO DECIDE ANY ISSUES THE PARTY MAY HAVE WITH IT. BY THE RESPONSE GIVEN BY THE KERSHAW CLERK OF COURT SENT TO THE APPELLANT VIA THE S.C. SUPREME COURT. THE KERSHAW CLERK PRODUCED NO ORDER FROM ANY JUDGE DEMONSTRATING WHY THE APPELLANT WAS BLOCKED FROM FILING FOR OVER (15) YEARS AND THE KERSHAW COUNTY SOLICITOR'S OFFICE WAS INVOLVED HERE IN ACTS OF OBSTRUCTION AND FRAUD CORRUPTING THE CONVICTION ITSELF.

INSOMUCH, WHAT PROMPTED THE APPELLANT TO FILE THIS PLEADING WAS THE LETTER ISSUED BY THE S.C. SUPREME COURT DATED MARCH 26, 2021 WHERE THE ONLY CONCERN OR INQUIRY THAT WAS SEEMINGLY SOUGHT BY THE LETTER WAS WHETHER OR NOT THE APPELLANT WAS DENIED OPPORTUNITY TO FILE HIS D.N.A. APPLICATION WHICH BY THE ATTACHMENTS IT IS OBVIOUS THAT THIS WAS THE CASE. NONETHELESS, THIS WAS NOT THE ONLY ISSUE. THE APPELLANT WAS CONCERNED THAT BASED UPON THE WAY THE LETTER WAS FRAMED IT COULD POTENTIALLY OPEN THE DOOR FOR AN INAPPROPRIATE RULING OF MOOTNESS ONCE THE COURT DISCOVERED THAT THE D.N.A. APPLICATION IS NOW FILED. THEREFORE, IT IS REQUIRED THAT I OFFICIALLY OBJECT TO ANY CLAIM OF MOOTNESS BASED UPON THE FOLLOWING FACTS.

ONE, THE COURT REQUIRED THAT MY FAMILY FILE THE INITIAL PLEADING AND WOULD NOT ALLOW ME TO FILE IT INDEPENDENTLY OF MY FAMILY'S INVOLVEMENT AND THE APPELLANT WOULD SEEK TO INVOKE JURISDICTION ON OTHER JURISDICTIONAL MATTERS IF THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WAS NOT INVOKED AND THE APPELLANT WOULD BE SUBJECT TO A REPETITIVE VIOLATION OF HIS SUBSTANTIAL DUE PROCESS RIGHT OF AUTONOMY TO PROCEED ALONE.

NEXT, THE APPELLANT'S SISTER LIVES IN CHICAGO. THERE IS NO TELLING WHAT RESTRICTION WOULD BE REESTABLISHED AGAINST THE APPELLANT ONCE SHE WITHDRAWS WHICH IS HER INTENT.

NEXT, THE ISSUE CLEARLY ARGUED IN THE INITIAL FILING MAKING UP THIS CASE DID NOT ARGUE JUST THE BLOCKING OF THE FILING OF A D.N.A. APPLICATION. IT WAS FILED ARGUING ALSO THE BLOCKING OF POST CONVICTION RELIEF APPLICATION SINCE 2006. THUS, THIS QUESTION AND ISSUE IS ATTACHED TO CLAIM THAT THE CONVICTION IS NOW VOID DUE TO THIS FRAUD UPON THE COURT, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY PRODUCING UNCONSTITUTIONAL ACTION VOIDING THE CONVICTION AND THE COURT'S JURISDICTION WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION.

NEXT, THERE IS THE REVIEW SOUGHT PURSUANT TO TORRENCE v. S.C. DEPT. OF CORRECTIONS 2021 BY WAY OF THE DEFAULT BASED UPON THE PROCEDURAL PROCESSING RULE ARGUED UNDER CASE 2020-001667 APPEALED TO THIS COURT INVOKING THIS COURT'S ORIGINAL JURISDICTION AS WELL AS UNDER CASE(S) 2020-0001615; 2021-000309; 2021-000508; 2021-000592 AND OTHER PENDING CASES SOUGHT CONSOLIDATION AND OR JOINT AND OR COLLECTIVE REVIEW.

NEXT, THERE IS THE ISSUE OF THE DEFAULT AND MONETARY RELIEF THE APPELLANT WOULD BE ENTITLED TO PRODUCE FROM CASE(S) 2006-CP-400-3567, 3568 AND 3569.

NEXT, THERE IS THE ISSUE OF THE INJUNCTION AND OR PROTECTIVE ORDER TO HAVE THE APPELLANT IMMEDIATELY MOVE TO THE KERSHAW COUNTY JAIL AND THE P.R. BOND BE IMMEDIATELY ISSUED. IF THE APPELLANT'S CONVICTION MUST BE DEEMED VOID VIA THE DEFAULT AND VOIDING OF JURISDICTION EMERGING FROM CASE 2006-CP-400-3567 AS IS ARGUED IN THE McCRAY, SEQUOIA, AND BENJAMIN CASE CASE(S) AND OTHER APPELLANT(S) CASES, INCLUDING THE FACT THAT THE STATE BLOCKED THE FILING OF MY PCR APPLICATION FOR 15+ YEARS ESTABLISHING CLEAR UNCONSTITUTIONAL ACTION VOIDING THEIR JURISDICTION RELATED TO THE CONVICTION. IT WOULD DEFY JUSTICE AND FAIRNESS TO ALLOW THE APPELLANT TO REMAIN IN THE CUSTODY OF THE S.C. DEPT. OF CORRECTIONS IN LIGHT OF THESE SUBSTANTIAL DUE PROCESS VIOLATIONS AND UNCONSTITUTIONAL ACTION. THERE IS DECLARATORY RELIEF STILL PENDING. THUS, MOVING THE APPELLANT OUT OF THE S.C. DEPT. OF CORRECTIONS TO THE COUNTY JAIL AWAITING P.R. BOND WOULD BE THE APPROPRIATE STEPS TO TAKE ALSO IN LIGHT OF THE PRESENT THREATS OF IMMINENT DANGER THAT THIS COURT PREVIOUSLY IGNORED THAT HAS CULMINATED, CONTINUED, AND GOTTEN WORSE WARRANTING THIS COURT'S PROMPT ACTION. THEREFORE, THIS CASE CANNOT BE DEEMED MOOT THOUGH THE D.N.A. APPLICATION VIA THE APPELLANT'S SISTER IS NOW ACTUALLY FILED, TANDOM v. NEWSOM,--S.Ct.--, 2021 WL 1328507 (U.S.2021); FRIENDS OF THE EARTH INC. v. LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC., 528

U.S. 167, 120 S.Ct. 693 (U.S.2000); UZUEGBNAM v. PRECZEWSKI, 141 S.Ct. 792 (U.S.2021); GENESIS HEALTH CARE CORP. v. SYMCZYK, 569 U.S. 66, 133 S.Ct. 1523, 185 L.Ed.2d. 636 (U.S.2013).

THERE IS NO "CASE OR CONTROVERSY" AND ACTION BECOMES "MOOT" WHEN ISSUES PRESENTED ARE NO LONGER LIVE OR PARTIES LACK LEGAL COGNIZABLE INTEREST IN OUTCOME WHICH IS NOT THE CASE HERE. THE ISSUES ARE STILL LIVE AND THERE IS A COGNIZABLE LEGAL INTEREST IN THE OUTCOME, CHAFLIN v. CHAFLIN, 588 U.S. 165, 133 S.Ct. 1017 (U.S.2013); CHAD THOMPSON ET. AL. PLAINTIFFS v. GOVERNOR OF OHIO MICHAEL DIVINE ET. AL., DEFENDANTS, 2021 WL 2264449 (S.C.OHIO.2021); UNITED STATES v. SANCHEZ-GOMEZ, 138 S.Ct. 1532. 1537, 200 L.Ed.2d. 792 (U.S.2018).

A CASE BECOMES MOOT WHEN JUDGMENT, IF RENDERED, WILL HAVE NO PRACTICAL LEGAL EFFECT UPON THE EXISTING CONTROVERSY WHERE IN LIGHT OF THE FACTS NOW ARGUED THIS IS NOT THE CASE HERE. FURTHER, UNDER THE EXCEPTION TO THE MOOTNESS DOCTRINE, IF THE ISSUE RAISED IS CAPABLE OF REPETITION BUT GENERALLY WILL EVADE REVIEW, AS IT EXIST IN THIS CASE BY CLEAR PROBABILITY, THE APPELLATE COURT CAN TAKE JURISDICTION, SOUTH CAROLINA PUBLIC INTEREST FOUNDATION v. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, 421 S.C. 110, 804 S.E.2d. 854 (S.C.App.2017).

UNDER AN EXCEPTION TO THE MOOTNESS DOCTRINE, AN APPELLATE COURT MAY DECIDE QUESTIONS OF IMPERATIVE AND MANIFEST URGENCY, LIKE THE CLAIM OF THREAT OF IMMINENT DANGER AND OTHER MATTERS ARGUED, TO ESTABLISH RULE FOR FUTURE CONDUCT IN MATTERS OF PUBLIC AND OR IN THE APPELLANT'S INTEREST SUCH AS THE PCR BEING BLOCKED ALSO AND THE UNCONSTITUTIONALITY OF THE CONVICTION ATTACHED TO IT, ESPECIALLY IN LIGHT OF THE FACT THAT MANY OF THE ISSUES SOUGHT REVIEW, AS SEEN IN CASE 2020-0001667, ARE IDENTICAL TO THE LEGAL ISSUES DEFAULTED ON IN THE McCRAY, SEQUOIA, WILSON AND OTHER APPELLANTS CASES SEEKING TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION, BOUCHELLE INCORPORATED v. CHARLESTON

WRECKING, INC., 2019 WL 3946082, * 1 (S.C.App.2019). IF NOT DECIDED ON THE COURT RECORD, IT WOULD HAVE POTENTIALLY COLLATERAL CONSEQUENCES RELATED TO THE APPELLANT'S SAFETY, HIS SEEKING P.R. BOND, THE BLOCKING OF HIS PCR APPLICATION, AND THE ESTABLISHED DEFAULT AND VOIDING OF JURISDICTION SEEKING TORRENCE RULING PURSUANT TO CASE(S) 2006-CP-400-3567, 3568 AND 3569 THAT ARE ALSO NOW PRESENTLY BEFORE THE SUPREME COURT, WHICH ISSUES, ARE NOT DECIDED BY WHETHER OR NOT THE D.N.A. APPLICATION WAS BLOCKED FILED, SPENCER v. KEMNA, 523 U.S. 1, 118 S.Ct. 978, 140 L.Ed.2d. 43 (U.S.1998). MOOTNESS INQUIRY DOES NOT ASK IF THE PRECISE RELIEF SOUGHT BASED ON THE CHALLENGED ACTION IS STILL AVAILABLE, BUT RATHER, WHETHER THE COURT CAN RENDER ANY EFFECTIVE RELIEF ON THE CLAIMS MADE IN THEIR TOTALITY, ADAMS v. DUNCAN, 179 F.Supp.3d. 632 (S.D.W.Va.2006).

AN ACTION IS NOT MOOT IF LITIGANT WILL SUFFER ANY PRESENT, FUTURE OR COLLATERAL CONSEQUENCES OF THE ALLEGED WRONGFUL CONDUCT, OR IF A COURT CAN PROVIDE PARTIAL RELIEF WHERE A FULL REMEDY MAY NO LONGER BE AVAILABLE. THE AFOREMENTIONED CLAIMS ARGUED BY THE APPELLANT FITS WITHIN BOTH THE CATEGORIES STATED WHICH DEMONSTRATE THAT IT WOULD BE HIGHLY INAPPROPRIATE AND AN ABUSE OF DISCRETION TO DETERMINE NOW THAT THE D.N.A. APPLICATION IS FILED THE CONTROVERSY IS OVER WHEN ALL THESE SUBSTANTIAL CLAIMS AND ISSUES REMAIN UNRESOLVED GIVING WAY TO REPETITIVE WRONG DOING AND OTHER SUBSTANTIAL COLLATERAL CONSEQUENCES TO THE EXTREME PREJUDICE OF THE APPELLANT THAT OF COURSE WOULD VIOLATE HIS DUE PROCESS RIGHTS PRODUCING UNCONSTITUTIONAL ACTION, UNITED STATES OF AMERICA, PLAINTIFF v. WILFREDO MEJIA, DEFENDANT, 2021 WL 2143574 (D.D.C.2021); CURTIS v. STATE, 345 S.C. 557, 549 S.E.2d. 591 (S.C.App.2001); WEDLAKE v. ACORD, 2021 WL 1291922, * 2+ (S.C.App.2021); COOPER v. SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, 835 S.E.2d. 516, 523 (S.C.App.2019); STATE v. COHEN, 2019 WL 2025268, * 1 (S.C.App.2019).

INSOMUCH, NO MATTER WHICH WAY THIS CASE IS REVIEWED, EVEN

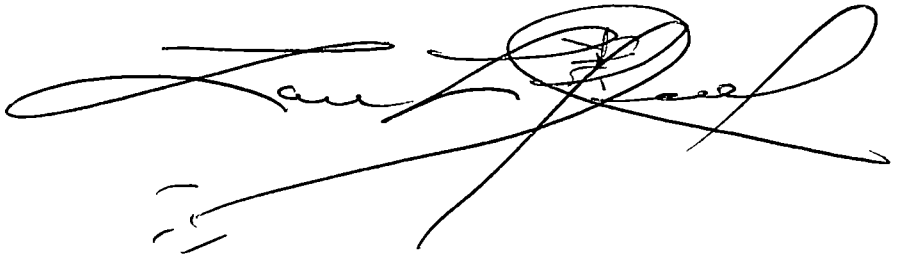
IF THE COURT WOULD DETERMINE THAT SINCE THEY BLOCKED THE FILING OF THE PCR APPLICATION FOR OVER (15) YEARS, DENYING THE APPELLANT HIS ONE BITE AT THE COLLATERAL APPLE VOIDING THE CONVICTION, OR THE CONVICTION BEING VOID DUE TO THE STATE AND THE S.C. DEPT. OF CORRECTIONS DEFAULTING UNDER CASE(S) 2006-CP-400-3567, 3568 AND 3569. ALL OF THESE ARE ONLY "LEGAL INNOCENCE" CLAIMS WHERE THE APPELLANT IS ASSERTING "ACTUAL INNOCENCE" CLAIMS WHICH CAN ONLY BE PROVEN BY THE TESTING OF THE D.N.A. IN THE POSSESSION OF THE KERSHAW COUNTY CORONER'S OFFICE AND JOHNNY FELLORS THE CORONER AT THE TIME. THIS DON'T EVEN TAKE INTO ACCOUNT THE MONETARY RELIEF AND DECLARATORY RELIEF SOUGHT. THUS, CASE 2020-000974 CANNOT BE DEEMED MOOT UNDER THE AFOREMENTIONED CIRCUMSTANCES.

THE APPELLANT MOTIONS AND RENEWS HIS INITIALLY FILED MOTION TO ADVANCE THE CAUSE. THE APPELLANT INITIALLY FILED A MOTION TO ADVANCE THE CAUSE ONLY TO HAVE IT UNJUSTLY IGNORED BY THE S.C. SUPREME COURT TO THE APPELLANT'S DETRIMENT. LOOK AT THE RECENT ATTEMPTS ON THE APPELLANT'S LIFE NOW. NOW THEY PLACED THE APPELLANT IN THE CELL WITH A MOLLY AND HEROINE USER SUBJECT TO VIOLENT TENDENCIES AND RAPE OF OTHER INMATES, SITTING AND NODDING OUT DAILY ON WHATEVER DRUG IS IN HIS SYSTEM. THERE ARE NO SAFEGUARDS IN PLACE TO PROTECT THE APPELLANT UNTIL AFTER THE DEED OR CRIME IS DONE. HOW MUCH MORE MUST OCCUR OR HOW LONG MUST THIS CASE DRAG ON UNTIL THE HARM DONE BECOMES IRREVERSIBLE AND POTENTIALLY, OBVIOUSLY, DEADLY? I RENEW THE MOTION TO CONSOLIDATE ALL THESE RELATED CASES INCLUDING THE McCRAY, CASE, SEQUOIA, WILSON, BROWN AND ANY OTHER CASE PENDING BEFORE THIS COURT AND THE APPELLANT SEEKS THAT THE HONORABLE S.C. SUPREME COURT REVIEW THESE CASES COLLECTIVELY IN THE COURT'S ORIGINAL JURISDICTION AND GIVE ALL THE APPELLANTS INVOLVED KNOWLEDGE OF ITS RULING BEFORE ANY FURTHER ATTEMPTS AT PHYSICAL ASSAULT AND OR ATTEMPTED MURDER AGAINST THE APPELLANT OCCURS. I MOTION THAT THE RESPONDENTS BE MADE TO ANSWER WITHIN (10) DAYS OF RECEIPT OF THIS DOCUMENT ANY OPPOSITION. IF THEY FAIL, I MOVE, THAT (10) DAYS AFTER THAT, THE INJUNCTIVE RELIEF AND PROTECTIVE ORDER BE IMMEDIATELY GRANTED AND

THE APPELLANT WITH ALL HIS PROPERTY, WITHOUT EXCEPTION, BE MOVED TO THE KERSHAW COUNTY JAIL, THEIR SOLITARY , OUT OF PRISON POPULATION IN A SINGLE MAN CELL UNTIL ANY NECESSARY SUBSEQUENT HEARING MAY OCCUR TO ESTABLISH THE SOUGHT P.R. BOND AND OTHER POTENTIAL RELIEF, BRANNON POE, CPA, LLC. v. STRAVOLO, S.E.2d., 2016 WL 2745274 (S.C.2016); STATE v. BROAD RIVER POWER COMPANY, 164 S.C. 208, 162 S.E. 74 (S.C.1931); FORBES v. DEHON, 17 S.C. Eq. 45, SPEARS Eq. 45, 1843 WL 2962.

A MOTION TO ADVANCE THE CAUSE IN A CRIMINAL CASE MUST STATE FACTS IN SUCH A MANNER THAT THE COURT MAY JUDGE WHETHER THE STATE OF SOUTH CAROLINA WILL BE EMBARRASSED IN THE ADMINISTRATION OF ITS AFFAIRS BY THE DELAY. YOU HAVE STATE ACTORS PLANNING POTENTIAL ASSASSINATION PLOTS AND OR PHYSICAL ASSAULTS AND A BLOCKING FROM THE COURT VIOLATING DUE PROCESS LAW EXPANDING OVER (15) YEARS. TO DELAY ANY FURTHER WOULD BE AN EMBARRASSMENT TO THIS STATE, U.S. v. NORTON, 91 U.S. 558, 1 OTTO 558, 1875 WL 17934, 23 L.Ed. 250 (U.S.1875); CENTRAL R. CO. v. BOURBON COUNTY, 116 U.S. 538, 6 S.Ct. 601, 29 L.Ed. 725 (U.S. 1886); GONZALEZ v. CROSBY, 545 U.S. 524, 125 S.Ct. 2641, 162 L.Ed.2d. 480 (U.S.2005); NATIONAL GAS CO. OF WEST VIRGINIA v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, 55 S.Ct. 646 (MEM) (U.S.1935).

RESPECTFULLY,
JONAH THE TISHBITE



JUNE 8, 2021

EXHIBIT, "ORLANDO PARKER"

File in Case

2021-000629

THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA SUPREME COURT

APPELLATE CASE NO._____

APPEAL FROM GREENVILLE COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2020-CP-23-05097

ORLANDO PARKER #346628

APPLICANT/PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF SERVICE

I, ORLANDO PARKER, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS AS TO WHY THE CONDITIONAL ORDER IN CASE 2020-CP-23-05097 SHOULD NOT BECOME FINAL; PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION; NOTICE SEEKING LEAVE

TO APPEAL THE CONDITIONAL ORDER SEEKING REVIEW UNDER TORRENCE v. S.C. DEPT. OF CORRECTIONS DUE TO THE SEEKING OF NON PARTY RES JUDICATA AND OR COLLATERAL ESTOPPEL; MOTION TO CHALLENGE THE GREENVILLE COMMON PLEAS COURT'S JURISDICTION DUE TO CONTINUED ACTS OF FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION TO THWART REVIEW VIOLATING ROSS v. BLAKE, 136 S.Ct. 1850(U.S.2016), PRODUCING ADDITIONAL UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR, ON THE S.C. SUPREME COURT, THE GREENVILLE CHIEF ADMINISTRATIVE JUDGE AND GREENVILLE COMMON PLEAS COURT, THE S.C. ATTORNEY GENERAL AND ALL INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID, BY DEPOSITING IT WITH ATTACHMENTS IN THE INSTITUTION MAILBOX ON JUNE 24, 2021.

RESPECTFULLY,
ORLANDO PARKER

JUNE 24, 2021

THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA SUPREME COURT

APPELLATE CASE NO._____

APPEAL FROM GREENVILLE COUNTY
THE COURT OF COMMON PLEAS

CASE NO. 2020-CP-23-05097

ORLANDO PARKER #346628

APPLICANT/PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO FILE OBJECTIONS AS TO WHY THE CONDITIONAL ORDER IN CASE 2020-CP-23-05097; PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION; NOTICE SEEKING LEAVE TO APPEAL THE CONDITIONAL ORDER SEEKING REVIEW UNDER TORRENCE v. S.C. DEPT. OF CORRECTIONS DUE TO THE SEEKING OF NON PARTY RES JUDICATA AND OR COLLATERAL

ESTOPPEL; MOTION TO CHALLENGE THE GREENVILLE COMMON PLEAS COURT'S JURISDICTION DUE TO CONTINUED ACTS OF FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION TO THWART REVIEW VIOLATING ROSS v. BLAKE, 136 S.Ct. 1850(U.S.2016) PRODUCING ADDITIONAL UNCONSTITUTIONAL ACTION AND MOTION TO MOTION THEREFOR

IN RE: CASE(S) 2020-CP-23-05097; 2020-0001615; 2021-00309; 2021-00508; 2020-000974; 2021-000592 AND THE OTHER RELATED INMATES CASES

TO: THE S.C. SUPREME COURT,
THE CHIEF ADMINISTRATIVE JUDGE OF GREENVILLE COUNTY,
THE GREENVILLE COUNTY COURT OF COMMON PLEAS,
THE S.C. ATTORNEY GENERAL ET. AL.,

FOR THE RECORD. THIS DOCUMENT IS ALSO FILED AMONG OTHER THINGS, TO FILE OBJECTIONS AS TO WHY THE CONDITIONAL ORDER UNDER CASE 2020-CP-23-05097 SHOULD NOT BECOME FINAL IN THAT CASE FOR THE FOLLOWING REASONS:

HERE THE COURT AND PARTIES WILL FIND;

(1) EXHIBIT, "CASE NO. 2020-001615". THIS IS A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;**** (28) PAGES DATED MAY 16, 2021 FILED IN THE RON SANTA McCRAY CASE AND ALL OTHER CASES CAPTIONED ABOVE.

(2) EXHIBIT, "DEFAULT AND VOIDING OF JURISDICTION". THIS

IS A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;**** (22) PAGES DATED MARCH 10, 2021 THAT WAS FILED BY BENJAMIN ERIC CASE AND THE OTHER INMATE APPELLANTS INVOLVED WITHIN THESE CASES CAPTIONED ABOVE.

(3) EXHIBIT, "AMENDED PCR APPLICATION". THIS IS A COPY OF THE FULL AMENDED PCR APPLICATION THAT WAS FILED WITHIN CASE 2020-CP-23-05097. THE COURT OF COMMON PLEAS SUPPOSE TO ALREADY HAVE A COPY OF THIS DOCUMENT. THIS COPY IS BEING FILED BEFORE THE S.C. SUPREME COURT WHERE THE ATTORNEY GENERAL CAN OBTAIN A COPY ELECTRONICALLY IF HE SO DESIRES.

ALL CLAIMS, ISSUES AND DEFENSES ARGUED BY THE APPLICANT/PETITIONER WITHIN THESE DOCUMENTS ARE NOW ARGUED BEFORE THE S.C. SUPREME COURT FOR THE PURPOSE OF PETITIONING TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WHICH THE APPLICANT/PETITIONER OFFICIALLY SEEKS TO DO FOR THE PURPOSE OF ESTABLISHING NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA WHICH IS JURISDICTIONAL IN NATURE THAT CAN BE RAISED AT ANY TIME, AT ANY STAGE AND CANNOT BE WAIVED BY THE APPLICANT/PETITIONER, AND FINALLY FOR THE PURPOSE OF MOTIONING AND OR PETITIONING FOR DECLARATORY JUDGMENT TO ADDRESS THE CONTROVERSY AT HAND. THE APPLICANT OFFICIALLY OBJECTS TO ANY CLAIM THAT CRAWFORD CANNOT ACT AS AN ATTORNEY FOR INMATES. THIS IS NOT WHAT IS OCCURRING HERE JUST IN CASE SOMEONE TRIED TO ASSERT THIS CLAIM. WHILE HE WORKED AS LAW LIBRARY CLERK AT LEE C.I.. WE CAME INTO THE LAW LIBRARY INDEPENDENTLY, SEPARATELY, PERSONALLY WORKING ON OUR CASES INDEPENDENTLY AND AS LAW LIBRARY CLERK APPOINTED BY S.C.D.C.. HE MERELY DIRECTED EACH OF US TO POTENTIAL ISSUES AND NEW CASE LAW THAT MAY HAVE A DIRECT IMPACT ON MY AND THE OTHER INMATES CASES. I AND THE OTHER INMATES **"PERSONALLY", "INDEPENDENTLY"** DID THE RESEARCH AND FOLLOW UP TO PRODUCE THESE ISSUES AND THEN **"PERSONALLY"** BY OUR CONSTITUTIONAL DUE PROCESS RIGHT OF AUTONOMY **"PERSONALLY"** PLACED THEM IN MY AND EACH OF OUR CASES, NOT HIM. I **"PERSONALLY"** FILE THESE PLEADINGS ON MY OWN

ACCORD. THUS, TO HINDER ME HAVING THESE ISSUES HEARD IN MY CASE IN ANY WAY WOULD PRODUCE A STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE AND WOULD VOID THE COURT'S JURISDICTION FOR UNCONSTITUTIONAL ACTION WHERE I AM MASTER TO DECIDE WHAT LAW I WILL RELY UPON. SEE McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821 (U.S.2018).

INSOMUCH, THE APPLICANT/PETITIONER LEGAL ISSUES THAT ARE BEFORE THE COURT ARE AS FOLLOWS:

(1) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 5TH., 6TH., 13TH., 14TH., 15TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, REGARDING THE INDICTMENTS, AS CONSTRUCTED, BY THE LANGUAGE AND OR CHARGE CONTAINED THEREIN, WHICH DID CREATE AND OR FORM CONCLUSIVE PRESUMPTION(S), THAT TOOK AWAY THE APPLICANT'S PRESUMPTION OF INNOCENCE, AND AUTOMATICALLY SHIFTED THE BURDEN OF PERSUASION TO THE DEFENDANT, IN REGARD TO THE CRUCIAL ELEMENTS OF DISPUTE?

(2) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 4TH., 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE TRIAL COURT AND OR PROSECUTOR, ENGAGING IN ACTS OF FRAUD UPON THE COURT AND SHAM LEGAL PROCESS, BY STAMPING THE INDICTMENT(S) "TRUE BILLED", ALLEGING A PROPER RETURN BY THE GRAND JURY, WHEN NO SUCH FAIR AND PROPER REVIEW BY THE GRAND JURY EVER OCCURRED?

(3) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS HIS DUE PROCESS RIGHTS VIOLATED, AS WELL AS RULES OF COURT AND RULES OF CRIMINAL PROCEDURE, AS WELL AS THE GENERAL SESSIONS COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION, WHICH ALSO HAVE A

DIRECT IMPACT ON THE FINAL ORDER AND RULING MADE UNDER THE PCR CASE NUMBER 2013-CP-23-04175, AND THEY WERE PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING THEIR SUBJECT MATTER JURISDICTIONARY "[P]OWERS" DUE TO THE "[P]ROCEDURAL [D]EFECT" IN THAT THERE WAS NO "[W]RITTEN" (EMPHASIS ADDED) ORDER OF CONTINUANCE OBTAINED PURSUANT TO ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION?

(4) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 4TH., 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2 OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS THE COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION, FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION, WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, DUE TO THE PROSECUTOR AND OR STATE, COMPROMISING THE APPLICANT'S HIRED COUNSEL, BY PREVENTING COUNSEL FROM INFORMING THE APPLICANT THAT HE HAD A RIGHT TO SEEK SEVERANCE OF THE PROCEEDINGS, WHICH WAS DONE BY THE STATE ACTORS TO CONCEAL THE FATAL DEFECT(S) IN THE EXISTING INDICTMENT(S)?

(5) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2 OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS THE COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION, FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION, WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, DUE TO THE INDICTMENT(S) FOR TRAFFICKING COCAINE BEING FATALLY DEFECTIVE IN THAT IT DOES NOT ALLEGE WHO THE APPLICANT ALLEGEDLY CONSPIRED WITH IN THE BODY OF THE CHARGING INSTRUMENT GIVING WAY TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENT(S)?

(6) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 4TH., 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION

VIOLATED, AS WELL AS ARTICLE IV § 2 OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS THE COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION, FRAUD UPON THE COURT AND UNCONSTITUTIONAL ACTION, WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, WHERE NOT ONLY WAS COUNSEL INEFFECTIVE FOR FAILING TO PROPERLY AND OR ADEQUATELY INVESTIGATE THE CASE AND DISCOVERY RECORD, WHERE IN SUCH HE FAILED TO DISCOVER THE FACT THAT THERE WAS NO EVIDENCE IN THE RECORD PURSUANT TO DISCOVERY THAT DEMONSTRATED THAT THERE WAS PHYSICAL PROOF OF CHAIN OF CUSTODY (FORMS) FROM THE SEIZING OFFICER WHO ALLEGEDLY FOUND THE DRUGS VIOLATING THE STATUTORY PROVISIONS PRODUCING A VIOLATION OF THE SEPARATION OF POWERS CLAUSE?

(7) DID THE TRIAL COURT ERR, AND WAS THE APPLICANT'S 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, AS WELL AS THE GENERAL SESSIONS COURT'S JURISDICTION BEING MADE VOID FOR UNCONSTITUTIONAL ACTION, DUE TO THE TRIAL AND OR PLEA COURT ALLOWING CONSTRUCTIVE AMENDMENT OF THE INDICTMENT(S) AT THE APPLICANT'S TRIAL AND OR PLEA HEARING?

(8) WAS COUNSEL APPOINTED AND OR HIRED TO REPRESENT THE APPLICANT INEPT AND CONSTITUTIONALLY INEFFECTIVE IN VIOLATION OF THE APPLICANT'S 5TH., 6TH., 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS WERE VIOLATED, WHICH LED TO AN UNFAIR AND PARTIAL TRIAL CREATING AN EGREGIOUS MISCARRIAGE OF JUSTICE RENDERING THE PROCEEDINGS UNCONSTITUTIONAL AND VOIDS THE TRIAL COURT'S JURISDICTION?

(9) DID THE S.C. SUPREME COURT IN <u>STATE v. GENTRY SUPRA.</u> ERR, ENGAGING, KNOWINGLY, INTENTIONALLY IN ACTS OF FRAUD UPON THE COURT, IN THEIR EFFORTS TO ESSENTIALLY ESTABLISH MODERN DAY SLAVERY IN VIOLATION OF THE ANTI-PEONAGE ACT, AND ABUSED

THEIR DISCRETIONARY "[P]OWERS", WHICH THEY EVEN CONSPIRED TO TAKE AWAY OUR RIGHT TO VOTE, AND OR DO SO SURREPTITIOUSLY, IN VIOLATION OF THE VOTING RIGHTS ACT, AND IN SUCH, THE COURT'S JURISDICTION WAS MADE VOID FOR DUE PROCESS VIOLATION, AND THE COURT WAS PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING ITS SUBJECT MATTER JURISDICTIONARY "[P]OWERS", EVEN THOUGH THEY DO INDEED POSSESS SUCH "[P]OWER" VIA STATE LEGISLATIVE STATUTES AND OR CONGRESSIONAL INTENT, DUE TO THE INDICTMENT DEFECTS AND OR ERRORS CONTAINED AND ARGUED WITHIN THIS DOCUMENT, IN VIOLATION OF THE APPELLANT'S 4TH., 5TH., 6TH. 13TH. 15TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION, AS WELL AS ARTICLE IV § 2, ALSO 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 242, 1001 AND THE LAWS OF DUE PROCESS?

A COPY OF THESE LEGAL ISSUES IN FULL ARE NOW FILED BEFORE THE S.C. SUPREME COURT ATTACHED TO THIS PLEADING IN THE FORM OF EXHIBIT, "AMENDED PCR APPLICATION".

INASMUCH, THE APPLICANT/PETITIONER OBJECTS TO THE CONDITIONAL ORDER BECOMING FINAL BECAUSE YOU DON'T HAVE THE ENTIRE RECORD BEFORE THE COURT WHERE THE SOLICITOR'S OFFICE, IN ACTS OF FRAUD UPON THE COURT, DON'T EVEN HAVE ALL THE LEGAL ISSUES PRESENTED THAT THE APPLICANT HAS FILED AND SEEKS TO HAVE HEARD IN THE COURT RECORD. TWO THIRDS (2/3) OF THE APPLICANT'S AMENDED PCR APPLICATION IS MISSING AND HAS NOT BEEN MADE A PART OF THE COURT RECORD. YOU HAVE A (318) PAGE AMENDED PCR APPLICATION FILED BEFORE THE COURT AS THE S.C. SUPREME COURT CAN NOW SEE BY THE ATTACHED EXHIBIT, "AMENDED PCR APPLICATION". IN BLATANT DEFIANCE TO "JUSTICE AND FAIRNESS" PAGES (57) THROUGH (71); PAGES (102) THROUGH (295) OF THE (318) PAGE AMENDED PCR APPLICATION ARE MISSING FROM THE COURT RECORD WHICH PERSPICUOUSLY ARE NOT THE SUBJECT OF THE RESPONDENT AND COURT'S TAINTED FRAUD PRODUCED RESPONSE AND CONDITIONAL ORDER. IT IS THE APPLICANT'S CONTENTION THAT THIS IS NOT A MATTER OF CLERICAL ERROR OR INADVERTENCE BECAUSE YOU HAVE ENTIRELY TOO MUCH OF THE DOCUMENT

MISSING IN ACTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE. THE CLERK AND GREENVILLE SOLICITOR'S OFFICE, AFTER REPEATED ATTEMPTS OF THE APPLICANT ENDEAVORING TO OBTAIN A CLOCKED STAMPED COPY OF THE AMENDED PCR APPLICATION, WHICH THEY REPEATEDLY REFUSED TO SEND THE APPLICANT. THE CONSPIRING CLERK AND OTHER STATE ACTORS OF THE COUNTY WERE UNDER THE FALSE IMPRESSION THAT THE APPLICANT HAD NO BACK UP COPY OF THE FILING AT ALL. OOOPS! BIG MISTAKE IN YOUR ATTEMPTS AT FRAUD. SO IN ACTS OF MACHINATION TO THWART FAIR, JUST AND PROPER REVIEW, IN VIOLATION OF U.S. SUPREME COURT HOLDINGS UNDER ROSS v. BLAKE, 136 S.Ct. 1850(U.S.2016), THE CONSPIRING CLERK AND RESPONDENT PURPOSELY, MALICIOUSLY, IN ACTS OF OBSTRUCTION OF JUSTICE VIOLATING MY CONSTITUTIONAL DUE PROCESS RIGHTS, VOIDING THE COMMON PLEAS COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, OMITTED TWO THIRDS (2/3) OF THE AMENDED PCR APPLICATION TO PRODUCE AN INCOMPLETE RECORD TO THWART OR PREVENT SUBSEQUENT PROPER AND FAIR APPELLATE REVIEW, DUE TO IT WOULD THEN BE CRIMINALLY, IN ACTS OF FRAUD UPON THE COURT AND OBSTRUCTION, BE ASSERTED THAT THE ISSUES CANNOT BE REVIEWED ON APPEAL BECAUSE THEY WERE NOT PROPERLY BROUGHT BEFORE THE COMMON PLEAS COURT PLACED IN THE COURT RECORD PURSUANT TO THE RESPONSE AND CONDITIONAL ORDER BY THIS FRAUDULENT CONCEALMENT. THE APPLICANT/PETITIONER OBJECTS. THE CONDITIONAL ORDER AND RESPONSE RELATED THERETO MUST BE DEEMED A VIOLATION OF DUE PROCESS LAW AND BE DEEMED VOID FOR THIS UNCONSTITUTIONAL ACTION WHERE IT WAS PRODUCED TO CRIMINALLY CIRCUMVENT ALL THE JURISDICTIONAL CLAIMS PRESENTED, WHICH OBVIOUSLY, ARE NOT SUBJECT TO THE PROCEDURAL LIMITATIONS OR BARS ASSERTED BY THE RESPONDENT IN THIS CASE. FRAUD UPON THE COURT IS FREE FROM ALL PROCEDURAL LIMITATIONS CLAIMED BY THE RESPONDENT AND THE APPLICANT/PETITIONER OBJECTS TO ANY LUDICROUS CLAIM BY THE RESPONDENT THAT THE APPLICANT/PETITIONER IS SUPPOSE TO SPURT OUT RULE 60(b), LIKE SOME KIND OF MAGICAL INCANTATION WHEN ALL THAT IS REQUIRED BY LAW IS THAT THE APPLICANT MAKE THE CLAIM OF FRAUD UPON THE COURT, EXPLAIN HOW THIS EXTRINSIC FRAUD OCCURRED, LIKE IN THIS PARTICULAR INSTANCE, THE RESPONDENT CONCEALING AND PREVENTING ALL

MY LEGAL ISSUES FROM BEING HEARD AND BEING MADE A PART OF THE COURT RECORD, AS IS DONE. ALL THAT IS THEN REQUIRED IS THAT THE APPLICANT CITE THE APPLICABLE CASES HE INTENDS TO RELY UPON, WHICH ARE CLEARLY ADJUDICATED UNDER FRAUD AND RULE 60(b)(3). ONCE THIS IS DONE THE LITIGATION IS SUFFICIENT TO BRING THE CAUSE. THUS, THE RESPONDENT'S CLAIMS IN THIS REGARD ARE WITHOUT MERIT WHERE HE ESTABLISHED THIS INCOMPLETE RECORD IN ACTS OF FRAUD AND OBSTRUCTION OF JUSTICE. THE CONDITIONAL ORDER AND RESPONSE RELATED THERETO WERE SUBMITTED IN FRAUD WHERE THE RESPONDENT OMITTED TWO THIRDS (2/3) OF THE AMENDED PCR APPLICATION TO AVOID RESPONDING TO THE JURISDICTIONAL CHALLENGES WHICH CANNOT BE WAIVED OR FORFEITED, TO PREVENT THEY BEING PROPERLY PRESERVED IN THE COURT RECORD FOR APPELLATE REVIEW. THUS, THE CONDITIONAL ORDER CANNOT BECOME FINAL WHERE THE RECORD IS CORRUPTED BY THIS FRAUD AND OBSTRUCTION AND IS INSUFFICIENT FOR MEANINGFUL REVIEW ON APPEAL THEREBY INVALIDATING THE CONDITIONAL ORDER AND RESPONSE RELATED THERETO FOR UNCONSTITUTIONAL ACTION PRODUCING AN INSTANT CHALLENGE TO THE PCR COURT'S POWERS OF JURISDICTION BASED UPON THE UNCONSTITUTIONAL ACTION DONE HERE, STATE v. LADSON, 373 S.C. 320, 644 S.E.2d. 271 (S.C.App.2007); STATE v. SEABROOK, 2017 WL 4619170 (S.C.App.2017). THE PCR COURT OR THE COURT OF APPEALS FOR THAT MATTER, WOULD NOT BE ABLE TO REVIEW THE ISSUES EFFECTIVELY IF THEY ARE NOT IN THE COURT RECORD DEMONSTRATING THE CONDITIONAL ORDER AND RESPONSE BY THE STATE WERE BASED ON ALL THE ISSUES PRESENTED IN THEIR TOTALITY WHICH ALSO CREATES AN INABILITY FOR MEANINGFUL APPELLATE REVIEW. THE APPLICANT/PETITIONER OBJECTS, STATE v. CURRY, 2016 WL 3093060 (S.C.App.2016).

THE CONDITIONAL ORDER SHOULD NOT BECOME FINAL BECAUSE THIS DOCUMENT AND PLEADING IS ALSO FILED AS A MOTION AND OR PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION, NOT JUST BASED UPON THE FRAUD AND OBSTRUCTION OF JUSTICE THAT JUST OCCURRED, WHICH OPENS THE APPLICANT TO ASSERT CONSTITUTIONAL PROTECTIONS UNDER ROSS v. BLAKE, 136 S.Ct. 1850(2016), WHERE BY

THIS MACHINATION TO THWART FAIR AND JUST REVIEW, IT IS NO LONGER REQUIRED THAT THE APPLICANT FURTHER EXHAUST BEFORE THE COMMON PLEAS COURT. BUT ALSO DUE TO THE APPLICANT MOTIONING AND OR PETITIONING FOR DECLARATORY JUDGMENT TO REMEDY THE CONTROVERSY AND SEEKING TO ASSERT HIS RIGHTS BEFORE THE S.C. SUPREME COURT AND ALL PARTIES OF NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA AS IT PERTAINS TO ISSUE PRECLUSION BY THE LITIGATION PRESENTED, AS THE OTHER INMATES FROM THE VARIOUS COUNTIES FROM AROUND THE STATE ARE NOW DOING. THE STATE AND OR RESPONDENT ALREADY DEFAULTED ON THESE EXACT SAME LEGAL ISSUES WITH MAYBE THE EXCEPTION OF THE CHAIN OF CUSTODY ISSUE WHICH MUST BE HEARD IN THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION, AND SEVERANCE ISSUE, WITHIN THE PCR CASES OF THE OTHER INMATES INVOLVED THAT ARE PRESENTLY BEFORE THE S.C. SUPREME COURT. THE S.C. ATTORNEY GENERAL AND OR RESPONDENT ALREADY DEFAULTED ON THESE ISSUES IN THE BENJAMIN ERIC CASE PCR RIGHT BEFORE THIS VERY COURT AND COUNTY, AND IN OTHER RELATED CASES ON THESE EXACT SAME ISSUES. IT IS AN ACT OF FRAUD UPON THE COURT, PROSECUTIONAL MISCONDUCT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE TO TRY TO COME BEFORE THIS COURT TO RELITIGATE IDENTICAL LEGAL ISSUES THAT HE HAS ALREADY DEFAULTED ON IN ALL THESE OTHER INMATES CASES INVOLVED, THAT ARE THE SOURCE OF THE CONTROVERSY, WHICH ARE JURISDICTIONAL IN NATURE AND CANNOT BE WAIVED OR FORFEITED. THE COURTS MUST ADHERE TO THE RELATED DOCTRINES OF RES JUDICATA AND COLLATERAL ESTOPPEL. THE APPLICANT/PETITIONER PETITIONS BEFORE THE S.C. SUPREME COURT TO INVOKE ITS ORIGINAL JURISDICTION ALONG WITH THE OTHER INMATES FROM THE VARIOUS COUNTIES DUE TO THIS RECENT ATTEMPT AT FRAUD AND OBSTRUCTION OF JUSTICE BY THE STATE ACTORS, ALLEN v. CURRY, 449 U.S. 90, 101 S.Ct. 411, 66 L.Ed.2d. 308(U.S.1980); YOUNG v. FERGUSON, 2019 WL 3387741 (N.D.N.C.2019); GEORGIA-PACIFIC CONSUMER PRODUCTS L.P. v. VON DREHLE CORP., 781 F3d. 710(4th.Cir.2015); CAROLINA RENEWAL INC. v. SOUTH CAROLINA DEPT. OF TRANSP., 385 S.C. 550, 684 S.E.2d. 779 (S.C.App.2009). THE RESPONDENT MAY HAVE RESPONDED IN THIS CASE BEFORE THE (365) DAYS WERE UP, BUT HE DIDN'T RESPOND TO OVER TWO THIRDS OF THE LEGAL ARGUMENT PRESENTED IN THE AMENDED PCR APPLICATION. THIS IS

COMPOUNDED BY THE FACT THAT HE FAILED TO RESPOND ALL TOGETHER IN THE OTHER RELATED CASES BEFORE THE S.C. SUPREME COURT WHERE HE IS NOW SEEKING TO RELITIGATE OR CIRCUMVENT HIS FAILURE TO RESPOND TO THOSE CASES HE ALREADY DEFAULTED ON. THUS, THE APPLICANT/PETITIONER SEEKS TO INVOKE HIS RIGHT TO ASSERT NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA BASED UPON HIS PREVIOUS DEFAULTS IN THESE RELATED CASES ON THE SAME IDENTICAL ISSUES. THE APPLICANT OBJECTS. THIS CONDITIONAL ORDER CANNOT BECOME FINAL, KUNST v. LOREE, 404 S.C. 649, 746 S.E.2d. 360 (S.C.App.2013).

IT WAS THE COURT AND RESPONDENT'S FIDUCIARY DUTY TO SPEAK ON ALL THE ISSUES INVOLVED INSTEAD OF CONCEALING MATERIAL FACTS, CONSPIRING UNDER COLOR OF STATE LAW, VIOLATING THEIR OATHS OF OFFICE TO UPHOLD BOTH THE STATE AND FEDERAL CONSTITUTIONS. ANY LEGAL ISSUES PRESENTLY FILED UNDER CASE 2020-CP-23-05097 THAT HAS NOT BEEN DEFAULTED ON IN THE OTHER INMATES CASES INVOLVE LEGAL MATTERS THAT MUST BE RESOLVED IN THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION, SO THEY NOT DEFAULTING ON THE 2 ISSUES IN QUESTION IS OF NO CONSEQUENCE SINCE THE S.C. SUPREME COURT IN ITS ORIGINAL JURISDICTION CAN HEAR ALL MERITS ON ALL ISSUES INVOLVED IN THESE CASES AS A WHOLE. ONCE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS INVOKED RELATED TO THESE CLASS OF CASES, HAVING ESSENTIALLY THE SAME IDENTICAL ISSUES BEFORE IT? THE GREENVILLE COMMON PLEAS COURT WOULD THEN BE DIVESTED OF JURISDICTION PRODUCING AUTOMATIC CHALLENGE TO THE GREENVILLE COMMON PLEAS COURT'S JURISDICTION POWER, WHERE THE ISSUES BEFORE THE GREENVILLE COMMON PLEAS COURT ARE THE SAME CLASS AS THOSE BEFORE THE S.C. SUPREME COURT INVOKING ITS ORIGINAL JURISDICTION. THE APPLICANT/PETITIONER OBJECTS, SABB v. SOUTH CAROLINA STATE UNIVERSITY, 350 S.C. 416, 567 S.E.2d. 231 (S.C.App.2002); STATE v. BARNES, 431 S.C. 66, 846 S.E.2d. 389 (S.C.App.2020); STATE v. SLOCUMB, 426 S.C. 297, 827 S.E.2d. 148 (S.C.App.2019); BUNKUM v. MANOR PROPERTIES, 321 S.C. 95, 467 S.E.2d. 758(S.C.App.1996); COON v. COON, 356 S.C. 342, 588 S.E.2d. 624 (S.C.App.2003). THE

APPLICANT/PETITIONER OBJECTS AND THE PETITIONER SEEKS TO OFFICIALLY INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION TO HAVE CASE 2020-CP-23-05097 HEARD WITH THE REST OF THE RELATED CASES PRESENTED BEFORE THE S.C. SUPREME COURT WHO POSSESS THESE SAME IDENTICAL LEGAL ISSUES OF THE SAME CLASS ALSO ASSERTING THE APPLICANT'S RIGHTS OF NON PARTY RES JUDICATA AND OR COLLATERAL ESTOPPEL, MILTON v. RICHLAND COUNTY, S.E.2d., 2015 WL 4642832 (S.C.App.2015).

FRAUD VITIATES EVERYTHING THAT IT ENTERS WHICH VOIDS THIS CONDITIONAL ORDER PRODUCED THEREBY AND A JUDGMENT PROCURED BY FRAUD IS **"VOID"** AND CAN BE COLLATERALLY ATTACKED FOR THAT FRAUD WHICH IS FREE OF PROCEDURAL LIMITATIONS. THE CONDITIONAL ORDER MUST BE DEEMED VOID, EVAN v. GUNTER, 294 S.C. 525, 366 S.E.2d. 44 (S.C.App.1988). STATUTE OF LIMITATIONS REQUIRING THE ACTION TO BE FILED WITHIN ONE YEAR OF THE CONVICTION OR SUCCESSIVE CLAIMS, ALL BEING PROCEDURAL BAR OR LIMITATIONS, DO NOT LIMIT COURT'S INHERENT AUTHORITY TO SET ASIDE JUDGMENT OR PREVENT HEARING OF CLAIMS OF EXTRINSIC FRAUD, ROBINSON v. ESTATE OF HARRIS, 388 S.C. 616, 698 S.E.2d. 214 (S.C.App.2010).

IT IS NOT REQUIRED THAT THE APPLICANT/PETITIONER CITE RULE 60(b) LIKE IT IS SOME MAGICAL INCANTATION IF THE FRAUD IS EXPLAINED AND ARTICULATED AND THE LEGAL CASES CITED ALREADY ASSERT THE RIGHTS UNDER THE APPLICABLE RULE. "EXTRINSIC FRAUD" FOR PURPOSE OF DETERMINING WHETHER A PARTY'S FRAUD WARRANTS GRANTING RELIEF FROM JUDGMENT, LIKE THE ONE WHERE THE COMMON PLEAS COURT REQUIRED THE APPLICANT TO RESPOND TO THIS TAINTED, CORRUPTED, CONDITIONAL ORDER AND STATE RESPONSE, IS FRAUD THAT INDUCES A PERSON NOT TO PRESENT THE ISSUES SOUGHT OR CASE BEING REVIEWED IN ITS TOTALITY AS WAS DONE HERE, OR DEPRIVES A PERSON OF OPPORTUNITY TO BE HEARD AS THE STATE ACTORS DID BY THIS UNCONSTITUTIONAL ACTION. ALL THE APPLICANT/PETITIONER'S LEGAL ISSUES ARE NOT IN THE COURT RECORD BEFORE US THAT ARE TO BE HEARD INVALIDATING THE STATE'S RESPONSE AND THE CONDITIONAL ORDER IN QUESTION, WHICH ESSENTIALLY, ILLEGALLY, WAIVE THE APPLICANT'S

JURISDICTIONAL CHALLENGES AND OR CLAIMS. THE PETITIONER OBJECTS, RABY CONST. L.L.P., v. ORR., 358 S.C. 10, 594 S.E.2d. 478 (S.C.App.2004); HENDRICKS v. RAGSDALE, S.E.2d., 2005 WL 7084031 (S.C.App.2005); BILEY v. ROBINSON, S.E.Rptr., 2009 WL 2524416 (S.C.App.2019).

THE GREENVILLE COURT OF COMMON PLEAS CANNOT MAKE A RULING ON THE CONDITIONAL ORDER UNLESS IT HAS ALL THE APPLICANT/PETITIONER'S LEGAL ISSUES THAT WERE SUBMITTED BY THE APPLICANT BEFORE IT, WHICH IN THIS CASE, IN ACTS OF PROSECUTIONAL MISCONDUCT AND FRAUD UPON THE COURT. ALL ISSUES FILED BY THE APPLICANT/PETITIONER ARE NOT BEFORE THE COURT REQUIRING THE COURT TO **"VOID"** THE CONDITIONAL ORDER IN FUNDAMENTAL FAIRNESS TO THE APPLICANT AND CONTINUE THE CASE AND THE COURT AND APPLICANT ARE SERVED COPY OF THE ENTIRE RECORD ONCE THE S.C. SUPREME COURT HAS RULED AS TO WHETHER OR NOT IT WILL HEAR THESE MATTERS WITHIN ITS ORIGINAL JURISDICTION. THE ACTIONS DONE BY THE CONSPIRING STATE ACTORS VIOLATES THE APPLICANT'S DUE PROCESS RIGHTS AS WELL AS VIOLATE HIS CONSTITUTIONAL RIGHT OF AUTONOMY IN HOW HE SOUGHT TO BRING THIS CASE, WHICH PRODUCES CLEAR CONSTITUTIONAL STRUCTURAL ERROR THAT IS NOT SUBJECT TO HARMLESS ERROR ANALYSIS, MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); McCOY v. LOUISIANA, 138 S.Ct. 1500 (U.S.2018); MANGAL v. STATE, 421 S.C. 85, 805 S.E.2d. 568 (S.C.App.2017); ROBERTSON v. STATE, 418 S.C. 505, 795 S.E.2d. 29 (S.C.App.2016). WHEN CONSIDERING STATE MOTION TO DISMISS ON PCR WHERE NO HEARING WAS CONDUCTED, THE PCR JUDGE MUST ASSUME FACTS PRESENTED BY APPLICANT ARE TRUE AND MUST VIEW FACTS MOST FAVORABLE TO DEFENDANT, S.C. CODE ANN § 17-27-70(b). ALL KNOWN ISSUES MUST BE PRESENTED BROUGHT BEFORE THIS COURT BEFORE THE CONDITIONAL ORDER IS SIGNED, WHICH IN THIS CASE, THE LEGAL ISSUES OF CONCERN WERE CRIMINALLY OMITTED IN ACTS OF FRAUD AND OBSTRUCTION OF JUSTICE. THE APPLICANT OBJECTS, LOVE v. STATE, 428 S.C. 231, 834 S.E.2d. 196 (S.C.App.2019). THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION IS ALREADY INVOKED TO HEAR ALL OF THESE MATTERS AND ALL MERITS RELATED THERETO. THE

APPELLANT MOTIONS AND OR PETITIONS TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION ALONG WITH THE OTHER INMATES WHO ARE PRESENTLY BEFORE THE COURT FROM THE VARIOUS COUNTIES AROUND THE STATE. THESE MATTERS ARE SOUGHT REVIEW UNDER THE DUE PROCESS/CONSTITUTIONAL PRONG TO SUBJECT MATTER JURISDICTION, WHICH CANNOT BE WAIVED OR FORFEITED, WHICH CAN BE RAISED AT ANY STAGE, AT ANY TIME, EVEN AFTER A FINAL ORDER HAS BEEN ISSUED IN THE CASE, EVEN FOR THE FIRST TIME ON APPEAL, KOSCIUSKO v. PARHAM, 428 S.C. 481, 836 S.E.2d. 362 (S.C.App.2019); FIRST CITIZEN BANK AND TRUST COMPANY, INC. v. TAYLOR, 431 S.C. 149, 847 S.E.2d. 249 (S.C.App.2020); ASTERBADI v. LEITESS, 176 Fed. Appx' 426 CA4 (Va.2006); PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402 (D.C.Md.2016); UNITED STATES v. CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); CHASE v. ANDEAVOR LOGISTICS, L.P., 2019 WL 5847879, * 2 W.D.Tex.; HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; WALLS v. BOEING COMPANY, 2019 WL 4931365 * 2 D.S.C..

INDEED, IT IS PERSPICUOUS THAT THESE IDENTICAL LEGAL ISSUES ARE ALREADY BEFORE THE S.C. SUPREME COURT PURSUANT TO THE McCRAY, CASE, McKINNON, WILSON, BROWN AND POTENTIALLY OTHER INMATES AROUND THE STATE CASES WHO SEEK TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION. THEREFORE, IN FUNDAMENTAL FAIRNESS TO THE APPELLANT/APPLICANT/PETITIONER IN THIS CASE, NOW THAT HE HAS DISCOVERED THAT THESE MATTERS EXIST BEFORE THE S.C. SUPREME COURT AT THE TIME OF THE CONDITIONAL ORDER AND RESPONSE BEING SUBMITTED IN THIS CASE. TO DENY THE APPLICANT THIS SUBSTANTIAL DUE PROCESS RIGHT TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WITH THE OTHER INMATES WHERE THE APPLICANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY THE GENTRY, LANGFORD CASES AND THE CASES THAT ESTABLISH CHAIN OF CUSTODY CAN BE ESTABLISHED BY TESTIMONY ALONE PURSUANT TO APPELATE COURT RULE 217. SUCH ACTION WOULD VIOLATE THE APPELLANT'S RIGHTS UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE AND WOULD BE

UNCONSTITUTIONAL, BODMAN v. STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); MARSHALL v. CITY OF ROCK HILL, S.E.2d., 2015 WL 3384258(S.C.App.2015); U.S. v. BURTON, 11 Fed. Appx' 328, 2011 WL 640248 CA4 (2011); IANNELLI v. U.S., 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d. 616; HOLLOWAY v. PERRY, 2016 WL 4074149. THE APPELLANT, LIKE THE OTHERS BEFORE THE SUPREME COURT ASSERTS THE RIGHT OF NON PARTY COLLATERAL ESTOPPEL AND OR RES JUDICATA ON THE ISSUE OF THE TWO PRONGS TO SUBJECT MATTER JURISDICTION AND THE S.C. ATTORNEY GENERAL CONTINUALLY DEFAULTING ON THESE SAME IDENTICAL ISSUES WITHIN ALL COUNTIES INVOLVED. THIS HAS ALREADY BEEN ESTABLISHED EVEN BY THE CASES COMING OUT OF THE STATE OF SOUTH CAROLINA.

AS THE OTHER APPELLANTS SAID, LADIES AND GENTLEMEN OF THE S.C. SUPREME COURT. WHEN THE INMATES WITHIN THIS STATE SEEN HOW JUDGE BEATTY WITH ALL VALOR AND JUDICIAL INTEGRITY STOOD UP AND SPOKE OUT AGAINST PROSECUTIONAL MISCONDUCT DONE ON THE PART OF THE VARIOUS SOLICITOR'S OFFICES AROUND THIS STATE. THE INMATES HEAPED APPLAUSE UPON THE NAME OF JUDGE BEATTY. SOMETIME AFTER THAT, THE INMATES THEN DISCOVERED THAT THIS RIGHTEOUS JUDGE WOULD SOON LEAD THE S.C. SUPREME COURT. THE INMATES STATEWIDE SHOUTED ACCOLADES UPON JUDGE BEATTY'S NAME BECAUSE THEY KNEW JUDGE PLEICONES WOULD NO LONGER BE ALONE IN THE QUEST FOR TRUE "JUSTICE AND FAIRNESS". THIS WAS NOT BECAUSE THESE TWO MENTIONED JUDGES WERE "SOFT ON CRIME", QUITE THE CONTRARY. IT WAS BECAUSE THESE TWO JUDGES ARE KNOWN BY ALL TO BE "JUST AND FAIR" AND RULE IN THE FEAR OF THE ONE TRUE GOD. BY NO MEANS ARE THESE STATEMENTS MEANT TO DISPARAGE OR QUESTION THE INTEGRITY OF THE REMAINING HONORABLE JUDGES OF THE SUPREME COURT, QUITE THE CONTRARY. THE PREMISE FOCUSED ON HERE, IS THAT WHEN "THE HEAD", "THE LEADER" IS FULL OF "LIGHT, WISDOM AND UNDERSTANDING",...THE "BODY" BECOMES FULL OF "LIGHT, WISDOM AND UNDERSTANDING". ITS A SIMPLE AND WELL ACCEPTED CONCEPT. THE PUBLIC HAS BEEN SCREAMING BEFORE OUR STATE LEGISLATURE FOR SOME TIME NOW DEMANDING PRISON REFORM TO NO AVAIL, DUE TO THE SYSTEM DISPROPORTIONATELY TARGETING AFRICAN AMERICANS AND THE POOR OF THIS STATE TO THEIR DETRIMENT. THAT

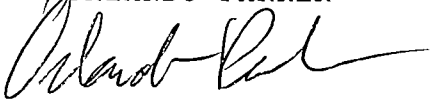
GENTRY CASE RULING FROM 2005 SPITS IN THE FACE AND STANDS IN BLATANT DEFIANCE TO "JUSTICE AND FAIRNESS" BEING A VIOLATION OF DUE PROCESS LAW PRODUCED BY A TOAL CONTROLLED COURT. THEREFORE, IT MUST BE REVISITED AND ABOLISHED, BEING A CLEAR VIOLATION OF DUE PROCESS LAW, BEING UNCONSTITUTIONAL AND **"VOID".** THIS EGREGIOUS MANIFEST INJUSTICE, WHICH INCLUDE THE CHAIN OF CUSTODY ISSUE, ORIGINATED WITHIN THE S.C. SUPREME ITSELF, LED BY JUDGE TOAL WHICH MUST BE ADDRESSED WITHIN THE SUPREME COURT, NOT ANY OTHER STATE LOWER COURT WHO DON'T HAVE THE AUTHORITY TO OVERRULE THE SUPREME COURT. DO NOT BE AFRAID TO FULFILL YOUR FIDUCIARY DUTY TO THE PUBLIC AND TO "JUSTICE AND FAIRNESS" IN THE FACE OF THE ONE TRUE GOD. THOSE INMATES WHO ARE TRULY WICKED WILL INDEED RETURN GIVING THE S.C. ATTORNEY GENERAL'S OFFICE ANOTHER OPPORTUNITY TO MAKE THE PROCESS RIGHT THIS TIME. IN FUNDAMENTAL FAIRNESS, NOT JUST TO THE APPELLANT, BUT TO ALL INMATES WITHIN THIS STATE. THE REVERSAL OF THE GENTRY CASE IS PARAMOUNT AND WOULD BE THE FIRST STEPS AT PRISON REFORM. THE LEGAL ISSUES ARGUED WITHIN THESE CASES MUST BE HEARD WITHIN THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WHICH PRODUCE SUBSTANTIAL PUBLIC JURIS CLAIMS EFFECTING EVERY COURT, EVERY COUNTY, AND EVERY INMATE AND PRETRIAL DETAINEE WITHIN THE STATE OF SOUTH CAROLINA.

AS THE OTHER INMATES BEFORE THE S.C. SUPREME COURT, I TOO, PETITION TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION TO HEAR ALL THESE MATTERS AS JUSTICE REQUIRES AND DEMAND. THE APPELLANT(S) KNOW THAT THE REVERSAL OF THE GENTRY CASE MAY SCARE A LOT OF PEOPLE. BUT IT IS "JUST AND FAIR" WHETHER ANYONE LIKES IT OR NOT. THE LAW IS NOT SUPPOSE TO OPERATE ON FEELINGS. THE LAW IS SUPPOSE TO OPERATE ON JUSTICE, ON FAIRNESS, ON LAW. THIS IS POTENTIALLY THE INMATES OF THIS STATE ONLY CHANCE AND OPPORTUNITY FOR ANY SORT OF PRISON REFORM SINCE THE LEGISLATORS OF THIS STATE FAILED IN THEIR FIDUCIARY DUTY BEFORE GOD AND COUNTRY TO ACT, VIOLATING THEIR OATHS OF OFFICE TO PROTECT ALL CITIZENS, EVEN THE ALLEGED OR "SO-CALLED" GUILTY OF THIS STATE AS THE STATE AND FEDERAL CONSTITUTIONS REQUIRE. THUS, THIS SACRED DUTY AND TRUST

HAS NOW FALLEN ON THE SHOULDERS OF THE S.C. SUPREME COURT, THE BEATTY COURT, TO CORRECT THE INJUSTICE PRODUCED BY THESE TWO PRECEDENT SETTING CASES AND THE CHAIN OF CUSTODY CASES ARGUED. THE APPELLANT PETITIONS TO INVOKE THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION AS IS ARGUED AND SEEKS THAT HIS CONVICTION BE REVERSED AND VACATED. THE APPELLANT PRAYS THE COURT WILL GRANT THIS RELIEF TO INCLUDE AND AND ALL OTHER RELIEF THE COURT WOULD DEEM JUST, FAIR AND PROPER, MOHAWK INDUSTRIES, INC. v. CARPENTER, 558 U.S. 100, 130 S.Ct. 599, 175 L.Ed.2d. 458(U.S.2009); TAMM v. CINCINNATI INSURANCE COMPANY, 2020 WL 60932 (S.D.N.Y.2020); UNITED STATES v. VALLADARES, 2019 WL 4888629, * 1, W.D.Tex.; BURGESS v. UNITED STATES, 2019 WL 7293400 * D.Md.; BRADLEY v. HULLANDER, 266 S.C. 188, 222 S.E.2d. 283 (S.C.App.1976); HEMINGWAY EX REL ESTATE OF DAVIS v. MARION COUNTY, S.E.2d., 2013 WL 8538725 (S.C.App.2013); ADAMS v. McMASTER, 432 S.C. 225, 851 S.E.2d. 703 (S.C.App.2020); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016).

RESPECTFULLY,

ORLANDO PARKER



JUNE 21, 2021

EXHIBIT, "DEFAULT AND VOIDING OF JURISDICTION"

Title in CASE

2021-000629

Z

THE STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
THE COUNTY OF GREENVILLE	)	THE 13TH. JUDICIAL CIRCUIT
	)	
BENJAMIN ERIC CASE #305097	)	
	)	
APPLICANT	)	CASE NO. 2020-CP-23-01050
	)	
	)	
	)	
	)	
Vs.	)	**AFFIDAVIT OF SERVICE**
	)	
	)	
	)	
	)	
	)	
THE STATE OF SOUTH CAROLINA	)	
	)	
	)	
RESPONDENT	)	
	)	

I, BENJAMIN ERIC CASE, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO CHALLENGE THE COURT OF COMMON PLEAS JURISDICTION; MOTION FOR DEFAULT AND JUDGMENT; AND MOTION TO MOTION THEREFOR, ON THE GREENVILLE COUNTY CHIEF ADMINISTRATIVE JUDGE, THE GREENVILLE CLERK OF COURT, THE 13TH. CIRCUIT SOLICITOR'S OFFICE AND ALL INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID, BY DEPOSITING IT IN THE INSTITUTION MAIL BOX ON MARCH 20, 2021.

RESPECTFULLY,
BENJAMIN ERIC CASE

MARCH 20, 2021

THE STATE OF SOUTH CAROLINA THE COUNTY OF GREENVILLE	)	THE COURT OF COMMON PLEAS THE 13TH. JUDICIAL CIRCUIT
BENJAMIN ERIC CASE #305097	)	
APPLICANT	)	CASE 2020-CP-23-01050
Vs.	)	AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, MOTION TO CHALLENGE THE COURT OF COMMON PLEAS JURISDICTION; MOTION FOR DEFAULT AND JUDGMENT; AND MOTION TO MOTION THEREFOR
THE STATE OF SOUTH CAROLINA	)	
RESPONDENT	)	

TO: THE ADMINISTRATIVE JUDGE OF GREENVILLE COUNTY,
THE 13TH. CIRCUIT SOLICITOR'S OFFICE,
THE GREENVILLE COUNTY COURT OF COMMON PLEAS,
THE S.C. ATTORNEY GENERAL,
THE GREENVILLE COUNTY CLERK OF COURT ET. AL.,

THE APPLICANT IN THE ABOVE CAPTIONED MATTER GIVES THE ADMINISTRATIVE JUDGE, GREENVILLE COUNTY CLERK OF COURT, AND ALL OTHER PARTIES JUDICIAL NOTICE. THIS AFFIDAVIT IS FILED SEEKING DEFAULT, AND JUDGMENT PURSUANT TO S.C. RULES OF CIVIL PROCEDURE RULES 55(a), 55(2), 56, 57, 58, 60(a) AND ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION. THIS DOCUMENT IS ALSO FILED FOR THE PURPOSE OF MOTIONING TO CHALLENGE THE GREENVILLE COUNTY COURT OF

COMMON PLEAS JURISDICTION SEEKING FORFEITURE AGAINST THE STATE FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION.

S.C. RULES OF CIVIL PROCEDURE, RULE 55(a) PROVIDE:

"ENTERING A DEFAULT: WHEN A PARTY AGAINST WHOM A JUDGMENT OF AFFIRMATIVE RELIEF IS SOUGHT HAS FAILED TO PLEAD OR OTHERWISE DEFEND, AND THAT FAILURE IS SHOWN BY AFFIDAVIT OR OTHERWISE, THE CLERK MUST ENTER THE PARTY'S DEFAULT." THE APPLICANT SEEKS THAT DEFAULT BE ENTERED INTO THE COURT RECORD. THE S.C. ATTORNEY GENERAL AND THE 13TH. CIRCUIT SOLICITOR'S OFFICE HAD (365) DAYS SET IN PLACE BY THE S.C. LEGISLATURE TO CONCLUDE THE APPLICANT'S DUE PROCESS MATTERS OR GET BEFORE THIS COURT AND EXPLAIN WHY HE HAS FAILED TO DO SO. HE HAS FAILED IN HIS FIDUCIARY DUTY VIOLATING NOT JUST HIS OATH OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTION, BUT HE HAS ALSO VIOLATED THE APPLICANT'S DUE PROCESS RIGHTS ESTABLISHING UNCONSTITUTIONAL ACTION WHICH VOIDS THE GREENVILLE COUNTY COURT OF COMMON PLEAS JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION. THIS IS CHALLENGE.

ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION PROVIDES:

IT IS ORDERED, THAT ALL CIVIL CASES WITHIN THE COURT OF COMMON PLEAS IN THE STATE OF SOUTH CAROLINA **"[S]HALL"** BE DISPOSED OF WITHIN (365) DAYS OF THE ORIGINAL FILING. PROVIDED, HOWEVER, THE CIRCUIT COURT MAY CONTINUE A CIVIL CASE BEYOND THE (365) DAYS BY **[W]RITTEN ORDER"** (EMPHASIS ADDED), IF THE COURT DETERMINED THAT EXCEPTIONAL CIRCUMSTANCES EXIST IN THE CASE. THIS DOES NOT CREATE OR DEFINE A RIGHT TO A SPEEDY TRIAL". (SEE S.C. RULES OF COURT 2003 EDITION ON PAGE 652 AND S.C. RULES OF COURT 2004 EDITION ON PAGE 659).

BY NO MEANS IS THE APPLICANT CLAIMING THAT THE STATE COULD NOT GO BEYOND THE (365) DAYS IN QUESTION. WHAT THE APPLICANT IS INDEED ASSERTING IS THAT IF THE STATE AND COURT INTENDED TO DO SO? BY THE APPLICANT'S DUE PROCESS RIGHTS, THEY WERE REQUIRED TO

RESPOND FOR THE PURPOSE OF GETTING THE APPLICANT BEFORE THE COURT TO OBTAIN THE ESSENTIALLY NEEDED CONTINUANCE, WHICH IS A "[J]URISDICTIONAL [R]EQUSITE", TO ALLOW THE PROSECUTOR TO FURTHER CONTROL HIS DOCKET IF HE SO DESIRED TO PUSH THE CASE PAST THE (365) DAYS PROSCRIBED BY DUE PROCESS LAW AND THE S.C. LEGISLATURE, WHICH HE AND THE COURT FAILED TO TIMELY DO, PLACING THE STATE AND COURT IN FORFEITURE ON THE CAUSE WHICH THE APPLICANT RESPECTFULLY SEEK.

ARTICLE V PRIVILEGES, RULE 501 GENERAL RULE PROVIDES:

"EXCEPT AS REQUIRED BY THE SOUTH CAROLINA CONSTITUTION, BY THE CONSTITUTION OF THE UNITED STATES, OR BY SOUTH CAROLINA STATUTE, THE PRIVILEGES OF A WITNESS, PERSON, OR THE GOVERNMENT (EMPHASIS ADDED) SHALL BE INTERPRETED BY THE COURTS IN LIGHT OF REASON AND EXPERIENCE. THE RULE MODIFIES THE FEDERAL RULE TO REFER TO THE SOUTH CAROLINA CONSTITUTION".

ARTICLE V PROVISIONS IN THIS INSTANCE MAKES IT "MANDATORY", "DRACONIAN", REQUIRING ANY INTERPRETATION OF THIS PROVISION TO BE REFERRED TO THE UNITED STATES CONSTITUTION, THE SOUTH CAROLINA CONSTITUTION AND LEGISLATURE AS A PRIMARY RULE AND OR FIRST CHOICE, AND NOT TO THE FEDERAL RULE AS IT PERTAINS TO NORMAL ADMINISTRATIVE MATTERS, ESPECIALLY IN LIGHT OF THE FACT THAT WE ARE DEALING WITH A JUDICIAL ORDER ISSUED BY THE S.C. SUPREME COURT THAT BY THEIR JUDICIAL DISCRETION THEY ATTACHED TO THE SOUTH CAROLINA CONSTITUTION MAKING ITS ADHERENCE MANDATORY BY LEGISLATIVE INTENT PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION.

TO FURTHER BOLSTER THIS PROPOSITION THAT THIS RULE, ORDER OR PROVISION OF LAW IS MANDATORY, DRACONIAN IN NATURE, THE APPLICANT BRINGS THE COURT'S ATTENTION TO SOUTH CAROLINA RULES OF COURT 2005 EDITION, PAGES 296, 297, 303 AND 304. THEY STATE:

IT IS ORDERED, THAT UPON THE FILING OF A POST TRIAL

MOTION UNDER RULES 50, 52, 59 OR 60(a) S.C.R.C.P., BY A PARTY IN A JURY OR NON JURY ACTION, THE PARTY **"[S]HALL"** WITHIN (10) DAYS PROVIDE A COPY OF THE MOTION TO THE JUDGE.

IT IS FURTHER ORDERED,**** THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES IN EACH CIRCUIT SHALL ENSURE COMPLIANCE WITH THIS ORDER, ALSO SEE S.C. RULES OF COURT 2013 EDITION".

IT IS PERSPICUOUS THAT IF THE LOWER COURT IS NOT IN COMPLIANCE TO RULE(S) 50, 52, 59 OR 60(a) BY THESE JUDICIAL ORDERS ISSUED FROM THE SOUTH CAROLINA SUPREME COURT, THE HIGHER COURT(S) CANNOT ENTERTAIN JURISDICTION, AND MUST REMAND FOR FURTHER ADJUDICATION BY THE LOWER COURT(S) IN QUESTION IF THE MOTIONS ARE NOT RULED ON WHEN TIMELY SUBMITTED IN ACCORDANCE TO THESE JUDICIAL ORDERS, MAKING THE ARTICLE V PROVISION AND OR ORDER(S) IN QUESTION "DRACONIAN", "MANDATORY" IN NATURE. ON THIS PREMISE, THE COURT OF COMMON PLEAS UNDER VIOLATION OF THE (365) DAY PROVISION **"[C]ANNOT"** CONTINUE TO ENACT AND OR INVOKE AND OR PROCEED WITH ITS "[P]OWERS" OF SUBJECT MATTER JURISDICTION IF THEY FAIL TO BE IN COMPLIANCE WITH THIS DUE PROCESS REQUIREMENT, FORTMILL v. FITZGERALD, S.E.2d., 2014 WL 7339453(S.C.App.2014); CALDWELL v. WINQUIST, 402 S.C. 565, 741 S.E.2d. 583(S.C.App.2013).

S.C. RULES OF CIVIL PROCEDURE, RULE 56 PROVIDE:

"A PARTY AGAINST WHOM A CLAIM, COUNTERCLAIM, OR CROSS-CLAIM IS ASSERTED OR A DECLARATORY JUDGMENT IS SOUGHT MAY, AT ANY TIME (EMPHASIS ADDED), MOVE WITH OR WITHOUT SUPPORTING AFFIDAVITS FOR SUMMARY JUDGMENT IN HIS FAVOR AS TO ALL OR ANY PART THEREIN". THE APPLICANT MOVES FOR SUMMARY JUDGMENT, FOR DECLARATORY JUDGMENT, FORFEITURE AND CHALLENGES THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION.

S.C. RULES OF CIVIL PROCEDURE, RULE 57 PROVIDE:

"THE EXISTENCE OF ANOTHER ADEQUATE REMEDY DOES NOT PRECLUDE A JUDGMENT FOR DECLARATORY RELIEF IN CASES WHERE IT IS APPROPRIATE. THE COURT MAY GRANT A SPEEDY HEARING OF AN ACTION FOR DECLARATORY JUDGMENT AND MAY ADVANCE IT ON THE CALENDAR". DUE TO WHAT IS ARGUED, THE APPLICANT SEEKS AN IMMEDIATE HEARING AND MOTION THAT THIS CASE BE IMMEDIATELY ADVANCED ON THE COURT CALENDAR FOR PROPER RESOLUTION. THE COURT IS NOT BOUND TO ADHERE TO STRICT ORDER OF DOCKET IF THERE BE ANY REASON OF JUSTICE, NECESSITY OR CONVENIENCE FROM DEPARTING FROM IT. THE CASE WILL EMBARRASS THE OPERATION OF THE GOVERNMENT IF LEFT UNSETTLED, U.S. v. FOSSATT, 62 U.S. 455, 21 HOW. 445, 1858 WL 9345; BRANNON POE, CPA., LLC. v. STRAVOLO, S.E.2d., 2016 WL 2745274 (S.C.2016); STATE v. BROAD RIVER POWER COMPANY, 164 S.C. 208, 162 S.E. 74 (S.C.1931); FORBES v. DEHON, 17 S.C. Eq. 45 SPEARS Eq. 45, 1843 WL 2962; ATLAS TRAVEL SERVICE, INC. v. MORELLY, 97 S.O.2d. 496 (1957); GONZALEZ v. CROSBY, 545 U.S. 524, 125 S.Ct. 2641, 162 L.Ed.2d. 480(U.S.2005); NATURAL GAS CO. OF WEST VIRGINIA v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, 55 S.Ct. 646 (MEM)(U.S.1935).

S.C RULES OF CIVIL PROCEDURE, RULE 60(a) PROVIDES:

"CORRECTIONS BASED ON CLERICAL MISTAKES, OVERSIGHTS AND OMISSIONS. THE COURT MAY CORRECT A CLERICAL MISTAKE **"OR A MISTAKE ARISING OR OMISSIONS WHENEVER ONE IS FOUND IN A JUDGMENT, ORDER, OR OTHER PART OF THE RECORD** (EMPHASIS ADDED). THE COURT MAY DO SO ON MOTION, OR ON ITS OWN, WITH OR WITHOUT NOTICE". THE RULE ALLOWS FOR THE CORRECTION OF NOT JUST CLERICAL MISTAKES OR OMISSIONS, BUT ALSO FOR ANY OTHER MISTAKE OR OMISSION, SUCH AS THE ONES ARGUED HERE, THAT OCCURRED ON THE PART OF THE COURT AND OR ATTORNEY GENERAL'S OFFICE.

THE CHIEF ADMINISTRATIVE JUDGE HAS A FIDUCIARY DUTY TO CORRECT THIS OMISSION AND INJUSTICE. THE VIOLATION OF DUE PROCESS AND UNCONSTITUTIONAL ACTION ON THE PART OF THE COURT OF COMMON

PLEAS AND SOLICITOR'S OFFICE VOIDS THE COURT'S JURISDICTION PLACING THE STATE IN FORFEITURE ON THE CAUSE. THE COURT OF COMMON PLEAS MAY NOT, VIA DOCTRINE OF "HYPOTHETICAL JURISDICTION" DECIDE CAUSE OF ACTION BEFORE RESOLVING WHETHER THE JURISDICTION GIVEN TO THEM BY LEGISLATIVE PROVISIONS HAVE BEEN MADE VOID FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION; DOING SO WOULD CARRY COURTS BEYOND BOUNDS OF AUTHORIZED JUDICIAL ACTION AND THUS OFFEND FUNDAMENTAL PRINCIPLES OF SEPARATION OF POWER, ESPECIALLY IN LIGHT OF THE FACT THAT WE ARE ALSO DEALING WITH LEGISLATIVE INTENT PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONSTITUTION, AND WOULD PRODUCE NOTHING MORE THAN HYPOTHETICAL JUDGMENT, WHICH WOULD COME TO THE SAME THING AS ADVISORY OPINION, DISAPPROVED BY THE U.S. SUPREME COURT, UNITED STATES v. GORDON, 2019 WL 5586966, * 1 E.D.Mich.; IN RE: GEE, 941 F3d. 153, 161+ 5TH. Cir.(La.); UNITED STATES v. CAVERGNE, 785 Fed. Appx' 212, 217+, 5TH.Cir.Tex..

SUBJECT MATTER JURISDICTION, BECAUSE IT INVOLVES THE COURT'S POWER TO HEAR A CASE, CAN NEVER BE FORFEITED OR WAIVED. THIS HAS NOTHING TO DO WITH THE PROSECUTOR BEING ABLE TO CONTROL HIS DOCKET. HE CANNOT BE PERMITTED TO USE SUCH ASSERTION AS A MEANS TO STRIP THE APPLICANT OF CONSTITUTIONAL PROTECTIONS PLACED ON HIM BY THE U.S. CONSTITUTION, THE S.C. CONSTITUTION AND THE S.C. LEGISLATORS, WHICH OCCURRED IN THIS CASE VOIDING THE COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, HENDERSON EX REL HENDERSON v. SHINSEL, 131 S.Ct. 1197, 1198+ U.S.; BURGESS v. UNITED STATES, 2019 WL 7293400, * 1 D.Md.; BARNES v. GIVENS, 2019 WL 5579543, * 3, W.D.Tex.; WALLS v. BOEING COMPANY, 2019 WL 4931365, * 2 D.S.C..

THE APPLICANT GIVES THE COURT AND PARTIES JUDICIAL NOTICE. NOT ONLY BY THIS DOCUMENT, BUT ALSO BY HIS PRESENTED PCR APPLICATION, THE APPLICANT IS ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005). THE APPLICANT IS ALSO ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. LANGFORD, 400 S.C. 421, 735

S.E.2d. 471(S.C.2012) PURSUANT TO APPELLATE COURT RULES, RULE 217, AND BASED UPON THE UNCONSTITUTIONAL ACTION THAT HAS OCCURRED IN THIS CASE INVOLVING THE STATE PROSECUTOR AND THE COURT ITSELF. EQUITABLE TOLLING IS ESTABLISHED AT ALL LEVELS, STATE AND FEDERAL, THAT WOULD PERMIT THE APPLICANT TO HAVE THESE DUE PROCESS MATTERS ADDRESSED AT EVERY STAGE, JOSEPH v. SOUTH CAROLINA DEPT. OF LABOR, LICENSING AND REGULATION, 417 S.C. 436, 790 S.E.2d. 763(S.C.App.2016); STOKES-CRAVEN HOLDINGS CORP. v. ROBINSON, 416 S.C. 517, 787 S.E.2d. 485(S.C.App.2016); JOHNSON v. JOHNSON, S.E.2d., 2014 WL 2721680(S.C.App.2014); BODMAN v. STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); PEGG v. HEARNBERGER, 845 F3d. 112 (4th.Cir.2017); GRAHAM v. GAGNON, 831 F3d. 176 (4th.Cir.2016); JONES v. WEAVER, 2019 WL 3034672 (N.D.Va.2019).

IN THE LANGFORD CASE, THE COURT DETERMINED THAT THE STATE PROSECUTORS HAVE A RIGHT TO CONTROL THEIR DOCKET. THIS IS NOT THE ISSUE OF CONCERN HERE. ONE OF THE ESSENTIAL ISSUES OF CONCERN IS THAT IN THE COURT MAKING ITS DETERMINATION THAT THE PROSECUTORS HAVE A RIGHT TO CONTROL THEIR DOCKET. THE COURT AND STATE PROSECUTORS HAVE CONSTRUED THAT JUDICIAL DETERMINATION, CONSPIRING UNDER COLOR OF STATE LAW, IN AN INAPPROPRIATE MANNER AND IN AN ABUSE OF DISCRETION TO MEAN THAT SUCH A DETERMINATION ALSO ALLOWS AND OR OPEN THE DOOR FOR THE COURT AND STATE TO DIMINISH, NEGATE OR WATER DOWN OTHER SUBSTANTIAL PROTECTIONS SET IN PLACE BY THE U.S. CONSTITUTION, THE S.C. CONSTITUTION, THE STATE LEGISLATORS AND DUE PROCESS LAW RENDERING ANY ACTION OF THE COURT ATTACHED THERETO UNCONSTITUTIONAL AND VOIDS THE COURT(S) INVOLVED JURISDICTION FOR SUCH UNCONSTITUTIONAL ACTION. FOR EXAMPLE, IN THE FILED PCR CASE. THE COURT AND STATE PROSECUTOR HAS CONSTRUED THE LAW PURSUANT TO THE LANGFORD CASE AS CARTE BLANCHE TO DENY THE APPLICANT OF THE APPOINTMENT OF THE APPOINTMENT OF LEGAL COUNSEL AT CRITICAL STAGES OF THE PCR PROCESS SUCH AS THE STAGE OF FILING THIS PRESENT DEFAULT, DEMONSTRATING THAT PREJUDICE IS CLEARLY ESTABLISHED. ONCE THE PCR APPLICATION IS FILED. THE APPLICANT HAS THE DUE PROCESS RIGHT, ALSO BY HIS RIGHT OF AUTONOMY, TO AMEND, FILE MOTIONS OR

PETITIONS ETC. TO PERFECT HIS DUE PROCESS MATTERS, AND THE APPLICANT IS PREJUDICED IN DOING ALL OF THIS IF LEGAL COUNSEL IS NOT APPOINTED TO ASSIST HIM AT THESE CRITICAL STAGES. THE COURT AND PROSECUTOR CANNOT IN FUNDAMENTAL FAIRNESS TO THE APPLICANT'S DUE PROCESS RIGHTS USE THE LANGFORD HOLDINGS AS AN UNCONSTITUTIONAL MEANS TO NEGATE, WATER DOWN OR DIMINISH THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT. IMMEDIATELY APPOINTING LEGAL COUNSEL AS DUE PROCESS LAW REQUIRES AT CRITICAL STAGES OF THE PROCEEDINGS, SUCH AS WHEN THE PCR IS FILED WHERE THERE ARE CLEAR JURISDICTIONAL CLAIMS ARGUED, WOULD NOT HARM, IN ANY MANNER, THE PROSECUTOR'S RIGHT OR ABILITY TO CONTROL HIS DOCKET. ONCE COUNSEL IS APPOINTED, THE PROSECUTOR CAN PLAY, "SKIP THROUGH MY LOOP MY DARLING", "RING AROUND THE ROSIE" OR WHATEVER OTHER MADNESS HE FEELS HE OR SHE IS BIG AND BAD ENOUGH TO DO AND SCHEDULE ANY REQUIRED HEARING ACCORDING TO THE TIMETABLE HE OR SHE SEES FIT. THUS, THE LANGFORD HOLDINGS BEING USED TO DIMINISH OR WATER DOWN OR NEGATE THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT RENDERS THIS PRESENT PCR CASE UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. ONCE THIS EXISTING PCR APPLICATION WAS FILED PRESENTING JURISDICTIONAL ISSUES WHICH CANNOT BE WAIVED OR FORFEITED. THE APPLICANT HAS A DUE PROCESS RIGHT TO HAVE LEGAL COUNSEL IMMEDIATELY APPOINTED WHERE THE INITIAL FILING IS A CRITICAL STAGE OF THE PROCEEDINGS ~~WHERE MOTIONS, AMENDMENTS, PETITIONS ETC. NEED TO BE FILED AND~~ THE LANGFORD HOLDINGS CANNOT BE USED TO WATER DOWN, DIMINISH, NEGATE OR DENY THIS SUBSTANTIAL DUE PROCESS CONSTITUTIONAL RIGHT WHICH WOULD RENDER THE PROCEEDINGS IN QUESTION UNCONSTITUTIONAL AND VOID. THE PREJUDICE THAT THE APPLICANT IS AND WAS SUBJECT TO IS OVERWHELMINGLY SELF EVIDENT VOIDING THIS COURT'S JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION, WHITE v. MARYLAND, 373 U.S. 59; LAKE v. STATE,--S.W.3d.--, 2017 WL 514588 (2017); RICE v. UNITED STATES, F.Supp.3d., 2015 WL 9216877 (W.Va.2015); ROWSEY v. U.S., 71 F.Supp.3d. 585 (E.D.Va.2014); U.S. v. WRIGHT, 59 F3d. 168 (TABLE) 1995 WL 378594 (4th.Cir.1995); U.S. v. HOLLIS, 506 F3d. 415(5th.Cir.2007); STATE v. BRYANT, 383 S.C. 410, 680 S.E.2d. 11

(S.C.App.2009); U.S. v. WADE, 388 U.S. 218; LAFLER v. COOPER, 132 S.Ct. 1376; SELLNER v. STATE, 416 S.C. 606; GIDEON v. WAINWRIGHT, 372 U.S. 335, 83 S.Ct. 258, 19 L.Ed.2d. 319(1967); MEMPHA v. RHAY, 389 U.S. 128, 134, 88 S.Ct. 254, 257, 19 L.Ed.2d. 336(1969); McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821 (U.S.2018).

THERE IS A SECOND INJUSTICE THAT HAS MANIFESTED ITSELF PRODUCED BY THE HOLDINGS MADE UNDER THE LANGFORD CASE. THE STATE PROSECUTOR, SUPPORTED BY THE ABUSE OF DISCRETION OF THE STATE COURT(S) INVOLVED, HAVE INTERPRETED THE PROSECUTOR'S RIGHT TO CONTROL HIS DOCKET TO MEAN OR BE CONSTRUED TO MEAN THAT THEY CAN VIOLATE AND OR DIMINISH AND OR WATER DOWN CONSTITUTIONAL DUE PROCESS PROTECTIONS PLACED UPON THE DEFENDANTS BY THE STATE LEGISLATORS IN CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE RENDERING ALL STATE ACTION AND PROCEEDINGS ATTACHED TO THIS INJUSTICE A VIOLATION OF DUE PROCESS, UNCONSTITUTIONAL AND VOIDS THE COURT(S) INVOLVED JURISDICTION FOR THIS UNCONSTITUTIONAL ACTION WHICH VIOLATES ARTICLE 12 § 2 AND ARTICLE 1 § 23 OF THE S.C. CONSTITUTION WHICH PROVIDE:

"THE PROVISIONS OF THE SOUTH CAROLINA CONSTITUTION "[S]HALL" (EMPHASIS ADDED) BE TAKEN, DEEMED AND CONSTRUED TO BE MANDATORY AND OR PROHIBITORY AND NOT MERELY DIRECTORY, EXCEPT WHERE MADE DIRECTORY OR PERMISSORY BY ITS OWN TERMS".

ONCE THE SOUTH CAROLINA SUPREME COURT ATTACHED THESE SPECIFIC PROVISIONS OF LAW TO THE SOUTH CAROLINA CONSTITUTION BY THEIR VOLUNTARY AND DISCRETIONARY ACTION, LEGISLATIVE INTENT THEREUPON ATTACHES TO THE PROVISIONS OF LAW IN QUESTION. THE STATE LEGISLATURE, INDISPUTABLY DETERMINED THAT ONCE ATTACHED TO THE S.C. CONSTITUTION, ALL PROVISIONS OF DUE PROCESS LAW, THEREUPON ATTACHED, THE LAW IN QUESTION ADHERENCE BECOMES "MANDATORY", "DRACONIAN" IN NATURE, CREATING A "[J]URISDICTIONAL [C]HALLENGE" AND OR "[J]URISDICTIONAL [D]EFECT" FOR FAILURE TO BE

IN COMPLIANCE THERETO. THE APPLICANT FILED THE INITIAL PCR APPLICATION ON FEBRUARY 20, 2020. THIS GAVE THE PROSECUTOR AND COURT OF COMMON PLEAS UNTIL FEBRUARY 20, 2021 TO CONCLUDE THE APPLICANT'S DUE PROCESS MATTERS BEFORE THIS COURT. THEY ARE AT MINIMUM (30) DAYS PAST THE TIME FRAME GIVEN TO THEM BY DUE PROCESS LAW. IF THEY HAD AN ISSUE WITH THE CORONAVIRUS? THEY SHOULD HAVE GOTTEN THE APPLICANT BEFORE THE COURT TO OBTAIN A CONTINUANCE AS IS REQUIRED BY LAW AND THE APPLICANT'S RIGHTS OF DUE PROCESS. ON TOP OF THIS INJUSTICE, THE ISSUE OF WHETHER OR NOT AN ATTORNEY SHOULD BE APPOINTED HAS NOT BEEN TIMELY ADDRESSED PLACING THE STATE IN FORFEITURE AS WELL AS IN VIOLATION OF THE PROSCRIBED DEADLINE SET IN PLACE BY THE S.C. SUPREME COURT AND THE S.C. STATE LEGISLATURE PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION WHICH VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION. FOR THE PROSECUTOR AND COURT(S) INVOLVED TO ALLOW THE LANGFORD CASE IN ACTS OF FRAUD UPON THE COURT AND IN AN ABUSE OF DISCRETION TO BE PERMITTED TO BE CONSTRUED TO MEAN THAT THEY ARE ALLOWED TO BLATANTLY IGNORE THE CONSTITUTIONAL DUE PROCESS PROTECTIONS PLACED UPON INMATES BY THE STATE LEGISLATURE RENDERS ALL PROCEEDINGS IN QUESTION, THOSE SUBSEQUENTLY ATTACHED AND THE CONVICTIONS RELATED THERETO UNCONSTITUTIONAL, A VIOLATION OF THE SEPARATION OF POWERS CLAUSE, A VIOLATION OF DUE PROCESS AND VOIDS THE COURT(S) INVOLVED JURISDICTION WHERE THESE MATTERS ARE TO BE ADJUDICATED UNDER **"THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION"**. THUS, THE COURT(S) BEING GIVEN JURISDICTION BY LEGISLATIVE PROVISIONS OR THE ABUSE OF DISCRETION PRODUCED BY THE STATE v. GENTRY CASE WOULD NOT PREVENT THE ISSUES FROM BEING HEARD UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. DUE TO THE FAILURE TO CONCLUDE THE PCR CASE IN THE COURT OF COMMON PLEAS BY THE TIME FRAME SET IN PLACE BY THE S.C. LEGISLATURE VIA THE LAW BEING ATTACHED TO THE S.C. CONSTITUTION. THE FAILURE TO BE IN COMPLIANCE PLACES THE STATE IN FORFEITURE ON THE CAUSE OF CONVICTION, ALSO VIA THE CLAIMS ARGUED WITH THE POST CONVICTION RELIEF APPLICATION THAT ESTABLISHES THIS CASE, AND ANY DETERMINATION TO THE CONTRARY WOULD VIOLATE THE SEPARATION OF

POWERS CLAUSE, THE U.S. CONSTITUTION AND DUE PROCESS LAW. THE SEPARATION OF POWERS CLAUSE AND THE PLAIN MEANING RULE PURSUANT TO ARTICLE 1 § 23 OF THE S.C. CONST. ARE TRIGGERED, BANK MARKAZI v. PETERSON, 136 S.Ct. 1310, 194 L.Ed.2d. 463, 84 U.S.L.W. 4222 (U.S.2016); U.S. v. BASTON, 818 F3d. 651 (11th.Cir.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); STAR ATHLETICA, LLC. v. VARSITY BRANDS, INC., 137 S.Ct. 1002, 197 L.Ed.2d. 354, 85 U.S.L.W. 4139 (U.S.2017); ENCINO MOTOR CARS, LLC. v. NAVARRO, 136 S.Ct. 2117, 195 L.Ed.2d. 382, 84 U.S.L.W. 4424. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. REVERSAL IS REVERSAL, REGARDLESS OF REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL, WHICH OF COURSE INCLUDE THE MATTERS RELATED TO THE POST CONVICTION RELIEF APPLICATION THAT IS FILED WITHIN THIS CASE, PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cali.2017); UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018).

ANY JUDGMENT, JUDICIAL ACT OR DETERMINATION, OR LACK THEREOF, SUCH AS IN THIS CASE, THAT DEFIES "JUSTICE AND FAIRNESS", OR CONVICTION ATTACHED, THAT IS CONTRARY TO THE CONSTITUTION AND DUE PROCESS LAW IS VOID, WELL FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MOSELY v. UNITED STATES, 2018 WL 1187778 (W.D.N.C.2018); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018).

THE UNITED STATES SUPREME COURT MADE EFFORTS TO ADDRESS SIMILAR MATTERS UNDER BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016). THE U.S. SUPREME COURT DETERMINED THAT A PERSON DOES HAVE A RIGHT TO A SPEEDY TRIAL PRIOR TO CONVICTION. BUT THIS IS NOT WHAT THE APPLICANT IS ARGUING SINCE THE PROVISION OF LAW IN QUESTION CLEARLY STATES IN ITS CONCLUSION, "THIS DOES NOT DEFINE THE DEFENDANT'S RIGHT TO A SPEEDY TRIAL". STILL THE SUPREME COURT MADE EFFORTS TO ADDRESS THE STATES HAVING THESE

VARIOUS TIME FRAMES AND DUE PROCESS PROVISIONS IN PLACE VIA THEIR VARIOUS STATES CONSTITUTIONS. EVEN THOUGH THE U.S. SUPREME DID DETERMINE THAT THE DEFENDANTS MAY INDEED HAVE A 5TH. AND 14TH. AMENDMENT CONSTITUTIONAL REMEDY AVAILABLE. THIS IS ONLY ONE OF THE PROVISIONS THE APPLICANT IS ARGUING THIS ISSUE UNDER. THE APPLICANT IS ALSO ARGUING THE "SEPARATION OF POWERS" VIOLATION WHICH COMPOUNDS THE INJUSTICE THAT THE UNITED STATES SUPREME COURT NEVER EVEN CONSIDERED IN THE BETTERMAN CASE. THE APPELLANT IN THE BETTERMAN CASE MAY HAVE FAILED TO PROPERLY PRESENT THE CLAIM, BUT THE APPLICANT IN THIS CASE DOES NOT FAIL TO PROPERLY PRESENT IT. THE APPLICANT IS MASTER TO DECIDE WHAT LAW HE WILL RELY UPON AND THE LAW RELIED UPON IN THIS CASE IS DUE PROCESS, SUBJECT MATTER JURISDICTION, PROSECUTIONAL MISCONDUCT, 4TH., 5TH., 6th., 13TH., 14TH. AND 15TH. AMENDMENT VIOLATIONS, VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE, FRAUD UPON THE COURT AND VIOLATION OF THE SEPARATION OF POWERS CLAUSE VIA ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION AND ANY OTHER PROVISION OF LAW CITED WITHIN THIS DOCUMENT AND THE POST CONVICTION RELIEF APPLICATION ITSELF TO ADDRESS THIS AND ALL OTHER ISSUES OF CONCERN, THE FAIR v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410 (U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425(U.S.1987); LANCASTER v. KAISER FOUNDATION,..., 958 F.Supp. 1137 (E.D.Va.1997); POWERS v. SOUTH CENTRAL UNITED FOODS & COMMERCIAL WORKERS,..., 719 F2d 760 (5th.Cir.1983). THE STATE OF SOUTH CAROLINA, ITS PROSECUTORS AND ITS COURT(S) HAVE BEEN CONCEALING AND CIRCUMVENTING CORRECTING THIS INJUSTICE IN ONE FORM OR THE OTHER EVEN PRIOR TO ITS ADJUDICATION OF THE LANGFORD AND GENTRY CASES IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE, THE SEPARATION OF POWERS CLAUSE, FRAUD UPON THE COURTS INVOLVED AND DUE PROCESS LAW. THIS INJUSTICE MUST BE CORRECTED NOW. IT IS WELL SETTLED THAT WILLFUL BLINDNESS AND CONSCIOUS AVOIDANCE IS THE LEGAL EQUIVALENT TO KNOWLEDGE, GLOBAL-TECH APPLIANCES, INC. v. S.E.B., S.A., 563 U.S. 754, 131 S.Ct. 2060, 179 L.Ed.2d. 1167 (U.S.2011); U.S. v. FERGUSON, 676 F3d. 440, 105 Fed. R. EVID. SERV. 207(1st.Cir.2017); U.S. v. JINWRIGHT, 683 F3d. 471

(4th.Cir.2012).

SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY STAGE, AT ANY TIME, EVEN FOR THE FIRST TIME ON APPEAL, EVEN AFTER A FINAL ORDER OR JUDGMENT HAS BEEN ENTERED BEFORE ANY OF THE COURTS INVOLVED, CANNOT BE WAIVED OR FORFEITED BY THE APPLICANT AND THE COURT(S) **"[S]HALL [N]OT"** FAIL TO TAKE NOTICE, STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INSURANCE COMPANY, 2020 WL 60932 (S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS L.P., 2019 WL 5847879, * 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, * 1, W.D.Tex..

THE COURT OF COMMON PLEAS AND THE CHIEF ADMINISTRATIVE JUDGE IN THIS INSTANCE, HAS AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER SUBJECT MATTER JURISDICTION EXIST BASED UPON THE JURISDICTIONAL PLEADING PLACED BEFORE THE COURT AND THEY CANNOT IN ACTS OF FRAUD UPON THE COURT BE SILENT VIOLATING THEIR OATH OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTIONS AND THEIR FIDUCIARY DUTY IN ADDRESSING THESE SUBSTANTIAL DUE PROCESS AND SUBJECT MATTER JURISDICTION CLAIMS. SUCH MUST BE DETERMINED IN ABSENCE OF CHALLENGE FROM ANY PARTY, SORRINGWIND ENERGY, LLC. v. CATIC U.S.A. INCORPORATED,--F3d.--, 5TH. Cir.(Tex.); 460 S. LAKE AVENUE, LTD. v. APPLETON, 2019 WL 7184737, * 1 C.D.Cal.; SLAYTON v. JOHNSON AND JOHNSON, 2019 WL 7208414, * 1 C.D.Cal..

WITHOUT JURISDICTION, THE COURT CANNOT PROCEED AT ALL IN ANY CAUSE; JURISDICTION IS POWER TO DECLARE LAW, AND WHEN IT CEASE TO EXIST, THE ONLY FUNCTION REMAINING TO THE COURT IS THAT OF ANNOUNCING THE FACT AND DISMISSING THE CAUSE AGAINST THE APPLICANT RELATED TO THE CONVICTION, ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235(U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168(Fed.Cl.2020). AT THIS JUNCTURE, THE CHIEF ADMINISTRATIVE JUDGE HAS AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER THE COURT OF COMMON PLEAS JURISDICTION HAS NOW BEEN MADE VOID FOR THE

UNCONSTITUTIONAL ACTION ARGUED. IN FUNDAMENTAL FAIRNESS TO THE APPLICANT, THE CASE MUST BE ADVANCED ON THE DOCKET AND THE APPLICANT AND ALL NECESSARY PARTIES BE IMMEDIATELY BROUGHT BEFORE THE COURT FOR A HEARING OR ALL FACTS ASSERTED BE AFFIRMED IN THE RECORD AND THE SENTENCE AND CONVICTION BE VACATED. THE STATE IS IN FORFEITURE ON THE CAUSE, HICKS v. HEART OF HOSPICE, LLC., 2019 WL 6255496(N.D.Miss.2019); KRIKORIAN v. FORD MOTOR COMPANY, 2019 WL 7042939 (S.D.Ala.2019).

ALTHOUGH COURTS ARE GENERALLY LIMITED UNDER ADVERSARIAL SYSTEM TO ADDRESSING THE CLAIMS AND REQUIREMENTS ADVANCED BY THE PARTIES, THE CHIEF ADMINISTRATIVE JUDGE VIA HIS ARTICLE V POWERS AND COURT OF COMMON PLEAS HAVE AN INDEPENDENT OBLIGATION TO ENSURE THAT THE COURT OF COMMON PLEAS AND PARTIES INVOLVED HERE DO NOT EXCEED THE SCOPE OF THEIR JURISDICTION, ESPECIALLY IN LIGHT OF THE FACT, THAT WE CLEARLY HAVE A SEPARATION OF POWERS ISSUE MANIFESTING ITSELF WHERE THE PROSECUTOR AND COURT HAS GONE BEYOND THE TIME FRAME TO CONCLUDE THESE MATTERS IN VIOLATION OF THE S.C. CONSTITUTION AND DUE PROCESS LAW. THE ADMINISTRATIVE JUDGE AND PARTIES MUST RAISE AND DECIDE JURISDICTIONAL QUESTIONS THAT THE PARTIES EITHER OVER LOOKED OR ELECT NOT TO PRESS (EMPHASIS ADDED) WHICH REQUIRE THE ADMINISTRATIVE JUDGE TO NOW ADDRESS THE MERITS OF THE CLAIMS PRESENTED. THE APPLICANT OBJECTS AND MOVES TO VACATE THE SENTENCE AND CONVICTION AND MOTIONS FOR FORFEITURE ON THE CAUSE, JEFFERS v. J.P. MORGAN CHASE & CO., 2019 WL 6255311, * 1, S.D.Tex.; ANTHONY W. HALL, PLAINTIFF v. FRENKEL, LAMBERT...., 2020 WL 136658, * 2, E.D.N.Y.; DAVIS v. PALUMBO, 2019 WL 6915949, * 1, W.D.MO..

FOR INORDINATE DELAY AS A PRETRIAL DETAINEE THE SPEEDY TRIAL PROVISION DOES APPLY, BUT THIS IS NOT WHAT THE APPLICANT IS SPECIFICALLY ARGUING. IN THIS SITUATION AS IT RELATES TO THE MATTERS IN THEIR TOTALITY, A DEFENDANT POTENTIALLY HAVE OTHER RECOURSE, INCLUDING, IN APPROPRIATE CIRCUMSTANCES, TAILORED RELIEF UNDER THE DUE PROCESS CLAUSE OF THE 5TH. AND 14TH. AMENDMENTS. THE UNITED STATES SUPREME COURT HAS FOUND THAT THE

DUE PROCESS CLAUSE ALSO PROTECTS THE DEFENDANT'S RIGHT TO DIRECT AND OR COLLATERAL APPEAL WHEN THE RIGHT IS GUARANTEED BY THE STATE, EVEN THOUGH THE CONSTITUTION DOES NOT REQUIRE STATES TO GRANT THE RIGHT, SEE E.G. EVITT, 469 U.S. AT. 393, 105 S.Ct. AT. 834. DUE PROCESS REQUIRES THAT A RIGHT TO APPEAL BE A RIGHT TO "AN ADEQUATE AND EFFECTIVE APPEAL", WHICH THE APPEAL CANNOT BE DEEMED "ADEQUATE OR EFFECTIVE" IF THE COURT AND PROSECUTORS ARE PERMITTED TO STRIP FROM THE DEFENDANT OF "MANDATORY", "DRACONIAN" PROTECTIONS SET IN PLACE BY THE STATE LEGISLATURE(S) RELATED TO TIME LINES OF CONCLUSION OF THE DEFENDANT'S DUE PROCESS MATTERS THAT ARE PRECURSOR, RELATED, TO THE INITIATING OF A TIMELY APPEAL, WHICH IS MORE THAN A "MEANINGLESS RITUAL" ID AT. 393, 394, 105 S.Ct. AT. 834 QUOTING CRIFFIN v. ILLINOIS, 351 U.S. 12, 18, 76 S.Ct. 585, 590, 110 L.Ed. 891(1956) AND DOUGLAS v. CALIFORNIA, 372 U.S. 353, 359, 83 S.Ct. 814, 817, 9 L.Ed.2d. 811(1963). DUE PROCESS FURTHER PROTECTS NOT ONLY THE RIGHT "TO OBTAIN A FAVORABLE DECISION", BUT ALSO THE RIGHT "TO OBTAIN A DECISION ON ALL MERITS OF THE CASE", EVITTS, 469 U.S. AT. 395n. 6, 105 S.Ct. AT. 835n. 6 (EMPHASIS ADDED). IN SHORT, A CONVICTED DEFENDANT HAS A RIGHT TO KNOW WHAT THE SENTENCE OR FINAL DISPOSITION OF HIS PCR IS TO BE, AND TO PROCEED WITH A DIRECT AND OR COLLATERAL APPEAL WITHIN THE TIME FRAME SET IN PLACE BY THE S.C. SUPREME COURT AND STATE LEGISLATURE BY THE PROVISIONS OF LAW PRESENTLY ARGUED BEFORE THIS COURT WHICH CANNOT BE ILLEGALLY, SUBTLY OR FORCIBLY EXPANDED OR THERE IS CLEAR VIOLATION OF THE SEPARATION OF POWERS CLAUSE AND DUE PROCESS CLAUSE WHICH WOULD RENDER THE COURT(S) INVOLVED JURISDICTION VOID FOR UNCONSTITUTIONAL ACTION.

THE SUPREME COURT HAS BEEN CLEAR IN ITS REASONS FOR EXTENDING THE MEANINGFUL PROCEDURAL PROTECTION OF DUE PROCESS TO APPEALS, DIRECT OR COLLATERAL, WHICH THE PROSECUTOR AND COURT BLATANTLY IGNORED BY ALLOWING THE PROSECUTOR TO GO BEYOND THE (365) DAY MANDATE SET IN PLACE BY THE S.C. SUPREME COURT AND THE S.C. LEGISLATURE UNDER ARTICLE V § 4 AND ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION, AS A RIGHT. BY DECIDING THAT THE

APPEAL IS SO IMPORTANT THAT IT MUST BE AVAILABLE AS A MATTER OF RIGHT, AND THIS HAS BEEN COMPOUNDED AND SUPPORTED BY THE S.C. SUPREME COURT AND THE STATE LEGISLATURE'S INTENT PURSUANT TO ARTICLE 1 § 23 OF THE SOUTH CAROLINA CONSTITUTION PRODUCING SPECIFIED AND CLEAR TIMETABLES, WHERE A STATE HAS, MADE THE APPEAL THE FINAL STEP IN THE ADJUDICATION OF GUILT OR INNOCENCE OF THE INDIVIDUAL, ID. AT. 404, 105 S.Ct. AT. 840; BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723, 84 U.S.L.W. 4293 (U.S.2016); UNITED STATES v. JAMES, 712 Fed. Appx' 154, 161+ 3rd.Cir.(N.J.).

IN REFERRING BACK TO THE ISSUE OF THE PROVISION OF LAW IN QUESTION BEING MADE "MANDATORY", "DRACONIAN" ONCE THE S.C. SUPREME COURT BY ITS DISCRETIONARY POWER ENSURED IT WAS ATTACHED TO THE SOUTH CAROLINA CONSTITUTION SUPPORTED BY ARTICLE 1 § 23. IN CONSTRUING STATUTES, WORDS MUST BE GIVEN THEIR PLAIN AND ORDINARY MEANING WITHOUT RESORT TO SUBTLE OR FORCED CONSTRUCTION IN AN ATTEMPT TO EXPAND THE STATUTE AS THE COURTS DID HERE REGARDING THE LANGFORD CASE. ONCE IT IS REQUIRED THAT THE DEFENDANT'S DUE PROCESS MATTERS BE CONCLUDED WITHIN (180) DAYS AND OR (365) DAYS REVISED IN 2013 FOR PRETRIAL MATTERS, AND OR (365) DAYS FOR PCR AND CIVIL MATTERS, WHETHER PRETRIAL OR PCR OR CIVIL, WHICHEVER IS APPLICABLE, IT IS REQUIRED THAT A TIMELY FILED "[W]RITTEN" (EMPHASIS ADDED) ORDER OF CONTINUANCE EXIST AND OR BE OBTAINED, TO GO BEYOND THE PROSCRIBED TIME FRAME SET IN PLACE BY THE S.C. SUPREME COURT AND OR STATE LEGISLATURE. THE COURTS AND PROSECUTORS CANNOT SUBTLY OR FORCIBLY EXPAND THE STATUTE UNDER THE FRAUDULENT, MISREPRESENTING GUISE OF THE PROSECUTOR BEING ABLE TO CONTROL HIS DOCKET ALLOWING HIM TO NEGATE, DIMINISH, OR WATER DOWN OTHER SUBSTANTIAL, CLEARLY ESTABLISHED, UNAMBIGUOUS CONSTITUTIONAL AND DUE PROCESS PROTECTIONS, EVEN THOSE SET IN PLACE BY THE S.C. LEGISLATURE, SUCH AS THE ONES MENTIONED IN THIS CASE. IT WOULD AUTOMATICALLY VIOLATE THE SEPARATION OF POWERS CLAUSE, VIOLATE THE DUE PROCESS CLAUSE PRODUCING UNCONSTITUTIONAL ACTION WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER

JURISDICTION WHERE THE COURTS BEING GIVEN JURISDICTION UNDER THE LEGISLATIVE PRONG WOULD BE NO DEFENSE ON THE PART OF THE COURTS, PROSECUTORS AND STATE ACTORS, STATE v. LOCKLAIR, 341 S.C. 352, 535 S.E.2d. 420(S.C.2000); HINTON v. SOUTH CAROLINA DEPT. OF PROBATION, PAROLE AND PARDON SERVICES, 357 S.C. 327, 592 S.E.2d. 335 (S.C.2004); ODOM v. TOWN OF McBEE ELECTION COMMISSION, 427 S.C. 305, 831 S.E.2d. 429 (S.C.2019); HUCK v. OAKLAND WINGS, LLC., 422 S.C. 430, 813 S.E.2d. 288 (S.C.2018); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); WELLS FARGO BANK N.A. v. H.M.H. RIMAN TWO N.C., LLC., 859 F3d. 295 (4th.Cir.2017); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599 (U.S.2016); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016).

THE WISDOM OF THE STATUTE, SUCH AS ARTICLE 1 § 23 AND OR ARTICLE 12 § 2 OR ANY OTHER REFERRED TO IN THIS CASE, WHERE **"[S]HALL"** IS MANDATORY, IS NOT THE CONCERN OF THE COURTS; IF THE CHALLENGED STATUTE OR THAT LAW WHICH IS RELIED UPON DOES NOT VIOLATE THE CONSTITUTION OR DUE PROCESS IT MUST STAND AND BE SUSTAINED MAKING THE PROVISION OF LAW THAT HAS COME UNDER SCRUTINY HERE "MANDATORY", "DRACONIAN", HODGES v. RAINEY, 341 S.C. 79, 533 S.E.2d. 578 (S.C.App.2000); BESSINGER v. R-N-M BUILDERS & ASSOCIATES, LLC., 421 S.C. 349, 806 S.E.2d. 731(S.C.App.2017); MARSHALL v. DODDS, 417 S.C. 196, 789 S.E.2d. 88 (S.C.App.2016); I.N.S. v. CHADHA, 462 U.S. 919, 103 S.Ct. 2764, 77 L.Ed.2d. 317 (U.S.1983); MILLER v. DAVIS, 56 Kan. App.3d. 39, 423 P.3d. 1044 (Kan.2018); STATE EX REL BIAFORE v. TOMBLIN, 236 W.Va. 528, 782 S.E.2d. 223 (2016); MEJIA v. TIME WARNER CABLE INC., 2017 WL 3278926(S.D.N.Y.2017).

MEMBERS OF THE COURT ARE INVESTED WITH THE AUTHORITY TO INTERPRET LAW, BUT THEY POSSESS NEITHER THE EXPERTISE NOR THE PREROGATIVE TO MAKE POLICY JUDGMENTS SUCH AS THE PROSECUTORS BEING ABLE TO CONTROL THEIR DOCKET BY VIOLATING CLEAR LEGISLATIVE INTENT IGNORING THE PLAIN MEANING RULE THAT ATTACHES TO THESE

PROVISIONS OF LAW IN QUESTION GIVING WAY TO SUBTLE OR FORCED CONSTRUCTION OF THE STATUTES INVOLVED. THESE DECISIONS ARE ENTRUSTED TO THE LEGISLATURE WHO DECIDED ONCE ATTACHED TO THE SOUTH CAROLINA CONSTITUTION THE PROVISIONS OF LAW THAT ARE AT THE HEART OF THESE MATTERS HERE NOW BECOME "MANDATORY", "DRACONIAN", UNLESS THERE IS SOME SPECIFIC LANGUAGE CONTAINED WITHIN THE PROVISION OF LAW THAT WOULD DICTATE OTHERWISE WHICH OBVIOUSLY, THERE IS NOT ANY SUCH CONTRARY LANGUAGE THAT EXIST IN THE STATUTES ARGUED. THE INJUSTICE, PREJUDICE AND DUE PROCESS VIOLATIONS ARE OVERWHELMING REQUIRING THE CONVICTION(S) TO BE RENDERED UNCONSTITUTIONAL AND THE COURTS INVOLVED JURISDICTION BE MADE VOID FOR THIS UNCONSTITUTIONAL ACTION. THE STATE IS IN FORFEITURE. THE PETITIONER MOVES FOR THIS BEFORE THE CHIEF ADMINISTRATIVE JUDGE, NATIONAL FEDERATION OF INDEPENDENT BUSINESS v. SEBELIUS, 567 U.S. 519, 132 S.Ct. 2566, 183 L.Ed.2d. 450(U.S.2012); STEGALL v. T.M.C. MULTI-STATE INTER-GOVERNMENTAL EMPLOYEE BENEFITS POOLS, INC., 2019 WL 4855226, S.W. Rptr. (Tex.2019); IN RE: BORDER INFRASTRUCTURE ENVIRONMENTAL LITIGATION, 284 F.Supp.3d. 1092(S.D.Cali.2018); U.S. v. RON PAIR ENTERPRISES INC., 489 U.S. 235, 109 S.Ct. 1027, 103 L.Ed.2d. 290(U.S.1989); IN RE: ARGON CREDIT, LLC.,--B.R.--, 2017 WL 4404269 (2017); UNITED STATES v. STE-BRI ENTERPRISES, INC., 2017 WL 4226873(D.C.OHIO.2017).

INSOMUCH, IF YOU TAKE A FATALLY DEFECTIVE INDICTMENT AND BRING IT BEFORE THE CRIMINAL COURT FOR THE SAKE OF FRAUDULENTLY PROCURING A CONVICTION, DEPRIVING THE DEFENDANT OF PROPER AND FAIR NOTICE OF THE "[C]AUSE AND [N]ATURE" OF THE ACCUSATION(S) BEING LEVIED AGAINST HIM DENYING HIM THE CONSTITUTIONAL DUE PROCESS RIGHT TO KNOW EXACTLY WHAT IT IS THAT HE IS CALLED UPON TO MEET AND DEFEND, CONSTRUCTIVELY AMENDING THE INDICTMENT(S) ALL OVER THE PLACE ON ESSENTIAL ELEMENTS OF THE OFFENSE(S). THEN YOU COUPLE THIS WITH THE OTHER EGREGIOUS VIOLATIONS ARGUED WITHIN THIS DOCUMENT AND OR THE APPLICANT'S PCR APPLICATION, VIOLATING DUE PROCESS LAW PRODUCING OVERWHELMING PREJUDICE AS PRESENTED. SUCH ACTION AND INJUSTICE DONE WITHIN THE PROCEEDINGS RENDER THE

PROCEEDINGS UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION FOR THAT UNCONSTITUTIONAL ACTION WHICH IS TO BE ADJUDICATED UNDER THE **"DUE PROCESS PRONG"** TO SUBJECT MATTER JURISDICTION. THE ADDITIONAL LITIGATION SUBMITTED IN SUPPORT OF THIS ISSUE AND THE SEEKING OF DEFAULT AND JUDGMENT IS SEEN WITHIN THE APPLICANT'S SUBMITTED PCR APPLICATION FILED WITHIN THIS CASE.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES SUCH AS THE ONES BEING ARGUED WITHIN THIS CASE. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDE FRAUD. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE **"FOUNDATION"** OF THE **"WHOLE"** (EMPHASIS ADDED) PROCEEDING, CONFIRMING ALSO THAT **"FRAUD AND UNCONSTITUTIONAL ACTION VITIATES EVERYTHING".** AN UNCONSTITUTIONAL LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION IS **"VOID"** AND IS AS IF THERE WERE NO LAW AND OR ACT AND OR AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR STATUTE MADE OR DONE AT ALL, BEING STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE WHICH HAVE JURISDICTIONAL RAMIFICATIONS AS WELL. THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT AND OR CRIMINAL CONVICTION AND OR LAW, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS **"WHOLLY VOID"** AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE ANY JUDICIAL DETERMINATION OR CONVICTION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT AND OR WHEN IT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR LAW AND OR ACT IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO MAINTAIN THE CONVICTION), CONFERS NO RIGHTS (THE STATE HAS NO RIGHT TO THIS ILLEGAL CONVICTION PRODUCED BY FRAUD AND VIOLATIONS OF DUE PROCESS LAW.), CREATES NO OFFICE (JUDICIAL, PROSECUTIONAL OR

OTHERWISE), BESTOWS NO POWER OR AUTHORITY ON **"ANY PERSON"** (EMPHASIS ADDED)[WHICH MEANS THAT YOUR JURISDICTION IS MADE VOID PLACING THE STATE AND COURT(S) INVOLVED IN FORFEITURE], AFFORDS NO PROTECTION (THE COURTS AND PROSECUTORS ARE NOT IMMUNE IF THEY FAIL TO CORRECT THIS INJUSTICE WHICH VIOLATES THEIR OATHS OF OFFICE.), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (SUCH AS YOU MAINTAINING THE CONVICTION)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE WHERE HERE IT IS COUPLED BY THE FRAUD UPON THE COURT THAT OCCURRED RELATED TO THESE ISSUES. AN UNCONSTITUTIONAL LAW AND OR STATUTE AND OR CRIMINAL CONVICTION CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW OR BE PERMITTED TO DEPRIVE A DEFENDANT OF LIBERTY. INDEED INSOFAR AS A CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR ACT RUNS COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S. CONSTITUTION, DUE PROCESS LAW, THAT INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL LAW AND OR JUDICIAL DETERMINATION. A REVERSIBLE CONVICTION IS REVERSIBLE, REGARDLESS OF THE REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. ALL RULES, STATUTES, PRACTICES (LIKE THE FRAUD, OBSTRUCTION, CRIMINAL CONSPIRACY AND MACHINATION ENGAGED IN BY THE PARTIES INVOLVING THESE LEGAL ISSUES.), WHICH ARE REPUGNANT TO THE U.S. CONSTITUTION ARE **"NULL"** AND **"VOID"**, UNITED STATES v. LIBOUS, 858 F3d. 64 (2nd.Cir.2017); CITY OF LEBANNON v. MILBURN, 286 Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cali.2017); UNITED STATES v. AJRAWAT,--Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016); MARTIN v. UNITED STATES, 2018 WL 1626578, * 2, D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 28 F3d. 1123 CRIM. LAW 1163(1),

1165(1); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 S.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES,--S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEFT OUTDOORS, LLC. v. CONSOLIDATION CITY OF IDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D.ILL.; HILL v. SNYDER, 821 F3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423(2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); WELLS FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295(4th.Cir.2017); MOSELY v. UNITED STATES, 2018 WL 1187778 (N.C.2018).

RESPECTFULLY SUBMITTED,
BENJAMIN ERIC CASE

MARCH 20, 2021

REEVALUATING CRIME AND PUNISHMENT in South Carolina

By Sabrina Haasonn
Criminal Justice Policy Counsel
ACLU of South Carolina

Exhibit
PRISON REFORM

ACLU
South Carolina

EVIDENCE-BASED REFORM RECOMMENDATIONS FOR SOUTH CAROLINA

1. Eliminate the federal-funding stream that incentivizes the need to build and fill additional prisons.

- President Joe Biden has promised to implement policies that will roll back the damaging sentencing laws he supported and voted for in the past, pledging to allocate $20 billion in federal funds towards states that adopt evidence-based programs aimed at diverting people from incarceration and preventing crime.[551] States will be required to eliminate mandatory minimum sentencing, and adopt programs awarding earned-time credits for those currently incarcerated in order to get access to federal funds.[552]
- Cease supporting other policies that underpin America's over-incarceration problem.
- Stop using for-profit vendors in prisons.
- Eliminate mandatory minimum sentencing, and adopt programs to award additional earned-time credits for those currently incarcerated.

2. Greatly expand release mechanisms for all incarcerated people, including those convicted of violent offenses.

- Use these measures to safely reduce the prison population.
- Invest resources in proven violence-reduction and recidivism-reducing programs.

3. End Juvenile Life Without Parole (JLWOP).

- Join the list of 30 states, plus the District of Columbia, that have already banned JLWOP, or have no people serving a JLWOP sentence.

4. End the war on drugs, starting with legalizing marijuana for personal use by adults.

- Virginia, Arizona, New Jersey, Montana, South Dakota, and other states approved the legalization of marijuana in the 2020 elections, while Mississippi legalized medical marijuana.[553]
- Oregon decriminalized possession of most drugs, including cocaine, heroin, and methamphetamines.[554]

5. Eliminate laws that indiscriminately punish people with lengthy sentences and restore judicial discretion in sentencing.

- End mandatory-minimum sentencing, retroactively as well as moving forward.
- Cease three-strikes sentencing, retroactively as well as moving forward.

- Eliminate no-parole and truth-in-sentencing policies, retroactively as well as moving forward.

6. Embrace restorative-justice policies across the entire spectrum of the legal justice system.

- Study existing Victim-Offender-Dialogue programs along with other Restorative Justice opportunities to develop effective policies in South Carolina.

7. Reform the state's broken parole system through implementing the following measures.

- Establish a professional parole board comprised of members with expertise in the field and requirements for annual training on best practices.[555]
- Require that release decisions be based on evidence of rehabilitation using standardized criteria.[556]
- Conduct hearings in person.[557]
- Ensure parole candidates have access to all materials and testimony submitted for use in the decision-making process, and guarantee their right to challenge inaccurate or misleading testimony.[558]
- Shift the focus away from the "seriousness of original crime" which was already factored into crafting the original sentence.
- Require SCDC staff to work with incarcerated people at the beginning of a sentence by creating case plans and preparation goals for release.
- Instill greater transparency and openness into the parole process and decision-making.[559]
- Mandate that the parole board provide a reason for denial of parole from a list of objective factors.[560]
- Require PPP to publish annual reports on parole decisions, providing justification for deviations from objective decision-making

8. End the policy of revoking parole and probation for technical violations.

- Focus community supervision resources on the period immediately following release from prison.[562]
- Restrict the number of conditions placed on individuals during community supervision, and ensure each condition serves a valid purpose.[563]
- Reduce the time individuals must spend on parole or probation through the use of good-time credits or by simply decreasing sentence times.[564]

9. Enact presumptive parole, allowing for the automatic grant of parole to incarcerated individuals upon their earliest parole eligibility if they meet preset objective conditions and there are no credible reasons to deny them parole.[565]

- Require SCDC to offer a robust selection of prison programming, including educational, rehabilitation, and vocational opportunities, tying the successful completion of these programs to the prospect of an earlier release from prison.
- Minimize the subjective factors inherent in considering an incarcerated person's readiness for parole by eliminating the consideration of factors such as the seriousness of the original crime or comments from victims or prosecutors.[566]
- Require the parole board to identify the things a parole-eligible person must complete in order to be granted parole.[567] If this list is completed, the burden shifts to the parole board to show there is an objective reason to deny parole.

10. Implement second-look sentencing to review lengthy sentences after an established period of time to weigh the possibility for early release.[568]

- Washington, D.C. has adopted a second-look sentencing law, and other jurisdictions such as Florida, Maryland, New York, and West Virginia are considering passage of some type of similar legislation.[569]

11. Expand the number of earned-time/good-time credits available and ensure that all incarcerated people are eligible, regardless of conviction.[570]

- Ensure all incarcerated people have access to prison programs and work opportunities to accrue good-time/work credits towards release.
- Protect vulnerable populations, such as people with mental illness or addiction, from being denied earned time credits. [571]

12. Make sentencing reforms retroactive in nature.[572]

13. Expand the use of commutations.[573]

14. Reform geriatric and medical-release policies to allow far more seriously ill and aging incarcerated people the opportunity to be released.[574]

15. Modernize medical and geriatric policies.[575]

- Make compassionate release available to all incarcerated people, irrespective of the offenses for which they are incarcerated.
- Streamline all compassionate-release processes and set reachable deadlines so that petitioners don't die due to bureaucratic bottlenecks before they are released.
- Limit the ability of prison officials to overrule on medical grounds a recommendation of release by medical professionals.

16. Additional Compassionate Release Reforms:[576]

- Guarantee compassionate release for those with terminal illnesses and serious medical conditions.
- Establish consistent definitions for medical qualifications to compassionate release.
- Reduce the age threshold for eligibility compassionate release. Studies have shown people in prison age faster than their counterparts in the public. Lawmakers looking to expand their compassionate-release policies should consider this evidence when defining the geriatric population.
- Prepare those who are released for reentry. This means helping them secure proper health care in the community and find stable housing.
- Collect data on the number of compassionate releases and publicly release rationale for denying or approving relief. This could help increase accountability and expose inequity in release decision-making.
- Create a mechanism for seeking release via the courts. Since the passage of the First Step Act, people in federal prison can seek relief from the court if prison officials take too long to respond to requests for relief. South Carolina should consider similar reforms.