

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF APPEALS

AUG 16 2021

Appeal from Richland County

SC Court of Appeals

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

Respondent,

v.

MARQUILLE RONDALE LIVINGSTON

Appellant,

~~Appellant case no: 2018-001595~~

Motion of Newly Discovered Evidence

Marquille R. Livingston

Appellant

Marquille r. livingston

#874774

P.O. BOX 205

Date: 8-10-21

Ridgeville, SC 29476

## Table of Authorities

### Cases,

Whalen v. US, 445 U.S. 684 L.Ed. 2d 715

Wainwright v. Sykes, 433 U.S. 72, 84, 97 S.Ct. 2497, 53 L.Ed 2d 594 (1977)

Treatment and Care of Luckabaugh, 351 S.C. 122, 518 S.E.2d 338 (2002)

Stroder v. Kentucky Cabinet for Health & Family Servs., No. 3:09-cv-00947-H,  
2012 WL 967599, at \*1 (W.D.Ky. Mar. 21, 2012)

Blythe v. Schlievert, 245 F.Supp. 3d 952 (2017)

Boothe v. Roofing Supply, Inc. of Monroe, 893 So. 2d 123, 39. 122 (La. App 2  
Cir. 1/20/05)

### Statutes,

S.C. Code Ann. § 17-25-45

### Rules,

Fed. R. Civ. P. 60(b)

### Constitutional Provisions,

US Const. Amend V(5)

S.C. juris Constitutional law § 71 (1993)

### Exhibits,

Court Case history

Commitment Order / Sentencing Sheet(s)

## STANDARD OF REVIEW

### DUE PROCESS

The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with power to decide the case. (Black's Law Dictionary 4th Ed)

The U.S. Constitution V Amendment gives the right to due process, stating that no person shall be deprived of life, liberty, or property, without due process of law.

A state prisoner may overcome the prohibition on reviewing procedurally defaulted claims if he can show "cause" to excuse his failure to comply with the state procedural rule and "actual prejudice resulting from the alleged constitutional violation." *Wainwright v. Sykes*, 433 U.S. 72, 84, 97 S.Ct. 2497, 53 L.Ed. 2d 594 (1977)

Substantive due process requires that no one be deprived of life, liberty, or property by statutes without a rational basis or which are arbitrary or overly vague. *In re Treatment and Care of Luckabaugh*, 351 S.C. 122, 568 S.E.2d 338 (2002); Citing: S.C. Juris Constitutional Law § 71 (1993)

A plaintiff's claim alleging that the government has violated his or her substantive due process right may be presented in two forms. The first form is as a challenge to a law or regulation and the second is a challenge to a discretionary action by a government official. *Stroder v. Kentucky Cabinet for Health & Family Servs.*, No. 3:09-cv-00947-H, 2012 WL 967599, at \* (W.D. Ky. Mar. 21, 2012)

The "Shock the Conscience" standard for substantive due process claims is difficult to satisfy; to shock the conscience, the conduct must be so egregious that it can be said to be arbitrary in the constitutional sense. *Blythe v. Schlievert*, 245 F. Supp. 3d 952 (2017)

"Arbitrary and Capricious" behavior is willful and unreasoning action without consideration or regard for the facts and circumstances. *Boothe v. Roofing Supply, Inc. of Monroe*, 893 So. 2d 123, 39. 122 (La. App. Cir. 1/20/05)

### Double Jeopardy

The protection from being tried and put in danger of being punished more than once for the same criminal act.

But, if the penal statute instead provide for a fine "or" a term of imprisonment upon conviction, a court could not impose both punishments without running afoul of the double jeopardy guarantee of the Constitution. *Whalen v. U.S.*, 445 U.S. 684 L. Ed 2d 715; Also see: *Ex parte Lange*, supra, at 176, 21 L. Ed. 870 Cf. *Bozza v. U.S.*, 330 U.S. 160, 167, 67 S. Ct. 645, 649, 91 L. Ed 818

## STATEMENT OF CASE

A Richland County Grand jury indicted Appellant on March 13, 2018 for first degree burglary, first degree criminal sexual conduct, kidnapping, and petit larceny. On August 20<sup>th</sup>, 2018 Appellants case was called to trial before the Honorable Judge Clifton Newman and a jury. Assistant Solicitors Kathryn Luck Campbell, and Joanna Ashlyn McDuffie represented the STATE, Appellant was pro se, Standby Counsel was Alicia Goode. On August 22<sup>nd</sup> 2018 Appellant was found "Guilty" of all charges by the fact finders of the issue/matter. Trial Court Judge Clifton Newman issued a order of commitment to STATE Department of Corrections for the term of life without parole, (what was known during that point in time as the only commitment order/judgement issued). Appellant timely filed a appeal with this court on August 24<sup>th</sup> 2018, Appellant pro se brief was filed on September 2<sup>nd</sup> 2020, Appellant defence counsel filed Initial Appellant Brief, along with Anders Brief. All filed by Appellant defender Lara M. Caudy of the

South Carolina Commission on Indigent Defense: Division  
of Appellant Defense.

Appellant recently became aware of "NEWLY DISCOVERED EVIDENCE" pursuant to Federal Rules of Civil Procedures 60(b), Newly Evidence Enclosed herein.

The Appeal goes as follows.

### Argument

Did the trial court error by violating the Appellants 5<sup>th</sup> Amendment U.S. Constitutional Right to due process, without being placed in danger or punished more than once for the same criminal act, therefore also violating Appellants 5<sup>th</sup> Amendment Right from "Double Jeopardy," and where Appellant was prejudiced because FINE(S), FEE(S), was omitted off of order of commitment/ sentencing sheets.

## Argument

Did The Trial Court errored By violating the Appellants 5<sup>th</sup> Amendment U.S. Constitutional Right to due process, without being placed in danger or punished more than once for the same criminal act, therefore also violating Appellants 5<sup>th</sup> Amendment Right from "Double Jeopardy"?

## Relevant Facts

On August 22, 2018 Circuit Court Judge Clifton Newman handed down a order of commitment for Appellant to be Trafficked/sold/sentence to the South Carolina Department of Corrections, After Appellant was found guilty of Alleged criminal charges. Appellant was said to SERVE life without parole, pursuant to S.C. Code Ann. § 17-25-45 SEE: (Commitment order/sentencing sheets)

On the same day (August 22, 2018) Judge Newman Also ISSUED A order That Appellant be fined in the ~~amount~~<sup>(ML)</sup> amount of \$128.75 for Each Charge. Therefore totalling to the amount of \$515.00 (Five Hundred and Fifteen dollars) SEE: (Court case history documents)

By Issuing these two ~~separate~~<sup>(ML)</sup> SEPARATE orders of commitment Judge Clifton Newman violated Appellants 5<sup>th</sup> Amendment Right to due process with his Arbitrary and Capricious Actions. I'm sure the trial court Judge Clifton Newman was/is very much aware of the U.S. Constitution and State Constitutional laws, as well as the duty and Oath he is obligated to uphold while Administering legal justice. The trial court Judge ~~blatant~~ blatant and Egregious Actions are contrary to law, as well as legal maxims such as "The Ignorance of the judge is the misfortune of the innocent," and "To be ignorant of the law is gross neglect of it."

## Conclusion

Since Appellant has clearly shown Beyond A Reasonable Doubt that the trial Court violated his due process Rights, Along with his guaranteed right of Protection from being tried and put in danger of being punished more than once for the same criminal act, Appellant Demands unconstitutional Commitment be vacated, made Null and void, And That he be released from his unlawful confinement, pursuant to the law.

# Richland County General Sessions

## CASE HISTORY FOR CASE 2018A4010200598

State of South Carolina vs Marquillie Rondale Livingston

FILED DATE: 2/21/2018  
INDICTMENT NUMBER: 2018GS4000546

CASE TYPE: GS  
ASSIGNED JUDGE: Simmons, Deirdre L  
DISPOSITION JUDGE: Newman, Clifton

STATUS: Appeal

ARRESTING AGENCY: Richland County Sheriff

**CASE PARTIES:**

Defendant Livingston, Marquillie Rondale  
2531 Crofton Way, Apt F, Columbia, SC 29223

Officer Raymond, Aubrey J  
5623 Two Notch Road, Columbia, SC 29223

**CASE HISTORY FOR CASE 2018A4010200598**

**Livingston, Marquillie Rondale**  
2531 Crofton Way, Apt F

Age: 37  
DL#: 011129871

DOB: 2/17/1982  
SSN: 249-53-0775

Columbia, SC 29223

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
3419 Larceny / Petit or Simple Larceny - \$2,000 or less	2/14/2018	Trial Guilty	8/22/2018

SENTENCING:  
Sentenced - 30 days

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Larceny / Petit or Simple Larceny - \$2,000 or less				
Fine to State 44%	\$0.00	\$0.00	\$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	100.00	100.00	0.00	999
Law Enforcement Funding Surcharge \$:	25.00	25.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Collection Fee 3%	3.75	3.75	0.00	3
<b>Total:</b>	<b>\$128.75</b>	<b>\$128.75</b>	<b>\$0.00</b>	

DATE	TIME	EVENT DESCRIPTION
2/20/2018	10:34 AM	Order/ WLTX request
2/21/2018	2:35 PM	Filing recorded: Filing/Case File
3/8/2018	12:00 AM	C40DVIVOD recorded the following Case Note: inc 2018a4010200595,596,597,598
3/14/2018	12:27 PM	Filing recorded: Indictment/Indictment
3/8/2018	11:48 AM	Order/motion to relieve pd, proceed pro se
3/13/2018	12:00 AM	C40DVIVOD recorded the following Case Note: inc 2018GS4000543-546,2018GS4002432,2018GS4001403-404,406,408
3/22/2018	11:56 AM	Filing recorded: Sentence/Sentencing Sheet or Sentence Issued

Print Date: 01/02/2020  
Print Time: 3:26:28PM  
Requested By: C40JRODRIG

# Richland County General Sessions

## CASE HISTORY FOR CASE 2018A4010200595

State of South Carolina vs Marquillie Rondale Livingston

FILED DATE: 2/21/2018

CASE TYPE: GS

STATUS: Appeal

INDICTMENT NUMBER: 2018GS4000543

ASSIGNED JUDGE: Simmons, Deirdre L

DISPOSITION JUDGE: Newman, Clifton

ARRESTING AGENCY: Richland County Sheriff

**CASE PARTIES:**

Defendant Livingston, Marquillie Rondale  
2531 Crofton Way, Apt F, Columbia, SC 29223

Officer Raymond, Aubrey J  
5623 Two Notch Road, Columbia, SC 29223

**CASE HISTORY FOR CASE 2018A4010200595**

Livingston, Marquillie Rondale 2531 Crofton Way, Apt F Columbia, SC 29223	Age: 37 DL#: 011129871	DOB: 2/17/1982 SSN: 249-53-0775
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CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0079 Burglary / Burglary (After June 20, 1985) - First degree	2/14/2018	Trial Guilty	8/22/2018

**SENTENCING:**

Sentenced - life without parole

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Burglary / Burglary (After June 20, 1985) - First degree				
Fine to State 44%	\$0.00	\$0.00	\$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	100.00	100.00	0.00	999
Law Enforcement Funding Surcharge \$:	25.00	25.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Collection Fee 3%	3.75	3.75	0.00	3
<b>Total:</b>	<b>\$128.75</b>	<b>\$128.75</b>	<b>\$0.00</b>	

DATE	TIME	EVENT DESCRIPTION
2/20/2018	10:32 AM	Order/ WLTX request
2/21/2018	12:00 AM	C40CSUBER recorded the following Case Note: inc:596-98
2/21/2018	12:00 AM	C40CSUBER recorded the following Case Note: inc:596-98
2/21/2018	2:33 PM	Filing recorded: Filing/Case File
2/21/2018	4:18 PM	Waiver of Appearance and Bond
2/21/2018	4:19 PM	Brady Motion and Edwards Motion
2/22/2018	12:06 PM	Motion/Discovery and Disclosure of Evidence

Print Date: 01/02/2020  
Print Time: 3:25:05PM  
Requested By: C40JRODRIG

CaseHistory.rpt V6.1

# Richland County General Sessions

## CASE HISTORY FOR CASE 2018A4010200596

State of South Carolina vs Marquillie Rondale Livingston

FILED DATE: 2/21/2018

CASE TYPE: GS

STATUS: Appeal

INDICTMENT NUMBER: 2018GS4000544

ASSIGNED JUDGE: Simmons, Deirdre L

DISPOSITION JUDGE: Newman, Clifton

ARRESTING AGENCY: Richland County Sheriff

**CASE PARTIES:**

Defendant Livingston, Marquillie Rondale  
2531 Crofton Way, Apt F, Columbia, SC 29223

Officer Raymond, Aubrey J  
5623 Two Notch Road, Columbia, SC 29223

**CASE HISTORY FOR CASE 2018A4010200596**

<b>Livingston, Marquillie Rondale</b> 2531 Crofton Way, Apt F Columbia, SC 29223	Age: 37 DL#: 011129871	DOB: 2/17/1982 SSN: 249-53-0775
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CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0160 Sex / Criminal sexual conduct - First degree	2/14/2018	Trial Guilty	8/22/2018

**SENTENCING:**

Sentenced - life without parole

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
<b>Charge: Sex / Criminal sexual conduct - First degree</b>				
Fine to State 44%	\$0.00	\$0.00	\$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	100.00	100.00	0.00	999
Law Enforcement Funding Surcharge \$:	25.00	25.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Collection Fee 3%	3.75	3.75	0.00	3
<b>Total:</b>	<b>\$128.75</b>	<b>\$128.75</b>	<b>\$0.00</b>	

DATE	TIME	EVENT DESCRIPTION
2/20/2018	10:31 AM	Order/ WLTX request
2/21/2018	2:34 PM	Filing recorded: Filing/Case File
2/8/2018	12:00 AM	C40DVIVOD recorded the following Case Note: inc 2018a4010200595,596,597,598
2/14/2018	12:28 PM	Filing recorded: Indictment/Indictment
2/8/2018	11:47 AM	Order/ motion to relieve pf, proceed pro se
2/13/2018	12:00 AM	C40DVIVOD recorded the following Case Note: inc 2018GS4000543-546,2018GS4002432,2018GS4001403-404,406,408
2/22/2018	11:56 AM	Filing recorded: Sentence/Sentencing Sheet or Sentence Issued

Print Date: 01/02/2020  
 Print Time: 3:24:11PM  
 Requested By: C40JRODRIG

**CASE HISTORY FOR CASE 2018A4010200597**

State of South Carolina vs Marquillie Rondale Livingston

FILED DATE: 2/21/2018

CASE TYPE: GS

STATUS: Appea

INDICTMENT NUMBER: 2018GS4000545

ASSIGNED JUDGE: Simmons, Deirdre L

DISPOSITION JUDGE: Newman, Clifton

ARRESTING AGENCY: Richland County Sheriff

**CASE PARTIES:**

Defendant Livingston, Marquillie Rondale  
2531 Crofton Way, Apt F, Columbia, SC 29223

Officer Raymond, Aubrey J  
5623 Two Notch Road, Columbia, SC 29223

**CASE HISTORY FOR CASE 2018A4010200597**

**Livingston, Marquillie Rondale**  
2531 Crofton Way, Apt F

Age: 37  
DL#: 011129871

DOB: 2/17/1982  
SSN: 249-53-0775

Columbia, SC 29223

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0095 Kidnapping / Kidnapping	2/14/2018	Trial Guilty	8/22/2018

**SENTENCING:**

Sentenced - life without parole

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Kidnapping / Kidnapping				
Fine to State 44%	\$0.00	\$0.00	\$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	100.00	100.00	0.00	999
Law Enforcement Funding Surcharge \$:	25.00	25.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Collection Fee 3%	3.75	3.75	0.00	3
<b>Total:</b>	<b>\$128.75</b>	<b>\$128.75</b>	<b>\$0.00</b>	

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8/22/2018	11:56 AM	Filing recorded: Sentence/Sentencing Sheet or Sentence Issued

Print Date: 01/02/2020

Print Time: 3:24:26PM

Requested By: C40JRODRIG

CaseHistory.rpt V6.1

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Marquillie Rondale Livingston

AKA:

Race: BLACK Sex: M Age: 36

DOB: 02-17-1982 SS#: 249-53-0775

Address: 2531 Crofton Way

City, State, Zip: Columbia, SC 29223

DL#: 011129871 SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4000543

A/W#: 2018A4010200595

Date of Offense: 2/14/2018

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Joanna McDuffie Solicitor, SC Bar# 77003 Defendant, Attorney for Defendant, SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of Life without Parole under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOP.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred, Def. Waives Hearing, Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED, Attend Voc. Rehab. or Job Corp., May serve W/E beginning

Set by SCDPPPS Substance Abuse Counseling, Random Drug/Alcohol testing

Recipient: Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund

\*Fine: § 14-1-206 (Assessments 107.5 %) \$ § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$ § 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ § 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk Court Reporter: Cleanetta McBride B, McClurdy

SCCA/217 (04/2018)

RECEIVED AUG 31 2018 SC Court of Appeals

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. Presiding Judge Judge Code: Sentence Date: Aug 23, 2018

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Marquillie Rondale Livingston

AKA:

Race: BLACK Sex: M Age: 36

DOB: 02-17-1982 SS#: 249-53-0775

Address: 2531 Crofton Way

City, State, Zip: Columbia, SC 29223

DL#: 011129871 SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Criminal sexual conduct - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4000544

A/W#: 2018A4010200596

Date of Offense: 2/14/2018

S.C. Code § : 16-03-0652

CDR Code #: 0160

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45.

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Joann McBride Solicitor, T. Ouz SC Bar# Defendant, Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of life without parole under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning

Recipient: substance Abuse Counseling Random Drug/Alcohol testing

\*Fine: § 14-1-206 (Assessments 107.5 %) § 14-1-211(A)(1) (Conv. Surcharge) \$100 § 14-1-211(A)(2) (DUI Surcharge) \$100 § 56-5-2995 (DUI Assessment) \$12 § 56-1-286 (DUI Breath Test) \$25

Proviso (Public Def/Probation) \$500 § 14-1-212 (Law Enforce. Funding) \$25 § 14-1-213 (Drug Court Surcharge) \$150 § 50-21-114 (BUI Breath Test Fee) \$50 § 56-5-2942(J) (Vehicle Assessment) \$40/ea

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (04/2018)

RECEIVED AUG 31 2018 SC COURT OF APPEALS

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. Presiding Judge Judge Code: Sentence Date:

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Marquillie Rondale Livingston

AKA:

Race: BLACK Sex: M Age: 36

DOB: 02-17-1982 SS#: 249-53-0775

Address: 2531 Crofton Way

City, State, Zip: Columbia, SC 29223

DL#: 011129871 SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Kidnapping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4000545

A/W#: 2018A4010200597

Date of Offense: 2/14/2018

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted. Lesser Included Offense. Defendant Waives Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Attest: Joanna McBride Solicitor T. H. O. L. S. Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of life without parole under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

RECEIVED AUG 31 2018 SC Court of Appeals

Table with columns for Recipient, \*Fine, and amounts. Rows include assessments like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso (Public Def/Probation), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), and 3% to County (if paid in installments).

TOTAL \$
Clerk of Court/ Deputy Clerk: Jeanette McBride B
Court Reporter: M. Curly
SCCA/217 (04/2018)

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge: J. W. ...
Judge Code: 2127
Sentence Date: Aug 23, 2018 COUNTY SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Marquillie Rondale Livingston

AKA:

Race: BLACK Sex: M Age: 36

DOB: 02-17-1982 SS#: 249-53-0775

Address: 2531 Crofton Way

City, State, Zip: Columbia, SC 29223

DL#: 011129871 SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Larceny/Petit or Simple Larceny-\$2000 or less

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4000546

A/W#: 2018A4010200598

Date of Offense: 2/14/2018

S.C. Code § : 16-13-0030(A)

CDR Code #: 3419

SENTENCE SHEET

Convicted of or PLEADS

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3419

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Joanna McDuffie Solicitor SC Bar# 77043 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms: days/hours Public Service Employment

Set by SCDPPPS Obtain GED Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

\*Fine: Substance Abuse Counseling Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

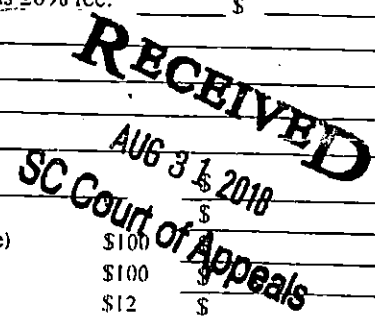
Presiding Judge Judge Code: Sentence Date:

2127

August 23, 2018

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments).

TOTAL \$
Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (04/2018)



Handwritten signatures: Cleanette McBride B, R McCurdy

To: Jenny Abbott Kitchings "Clerk of Court" Court of Appeals

From: Marquille Livingston

Date: 8-10-21

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SC Court of Appeals

Re: pursuant to Fed. R. Civ. P 60(b) "Newly Discovered Evidence", Also pursuant to the United States Constitution: 5<sup>th</sup> Amendment Right against "Double Jeopardy" (double jeopardy clause). In reference to Appellant Case, THE STATE v. MARQUILLE RONDALE LIVINGSTON Appellant Case No: 2018-001595.

Dear, Mrs Kitchings

I'm writing you this letter of instruction to Request that you file the documents enclosed, in the regards to the above listed Appellant case and case no; These documents are to be filed pursuant to the above listed Federal Rule(s), and are supported by the above listed U.S. Constitutional Right/<sup>(m)</sup>~~Guarantee~~ Guarantee that's established within the 5<sup>th</sup> Amendment. Thank you and have a blessed Day.

Respectfully Submitted

"All Rights Reserved Without Prejudice"

#274774

Marquille Livingston

S/ Marquille Rondale Livingston UCC 1-308

P.O. Box 205

Ridgeville, SC 29472

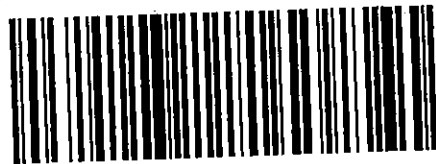
Date: 8-10-21

Marquille Livingston #274774

LCI

P.O. BOX 205

Ridgeville, SC 29472



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19472 \$ 007.36<sup>0</sup>  
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0373893 AUG 11 2021



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MAIL ROOM  
LIEBER C.I.

SC. Court of Appeals "Clerk of Court"

JENNY Abbott Kitchings

1220 Senate Street

Columbia, SC 29201

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AUG 16 2021

SC Court of Appeals

