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SC Court of Appeals

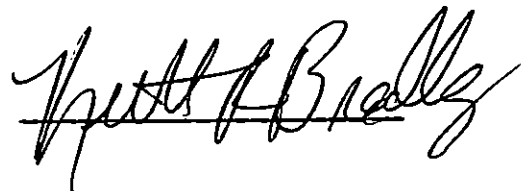
S.C. Court of Appeals
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

RE: Keith Bradley v. State
Appellate Case No. 2021-000662

Dear Ms Kitchings:

Enclosed please find written explanation, as required by
Rule 203(d)(1)(B)(vi), SCACR, that is served upon you.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Bradley", written over a horizontal line.

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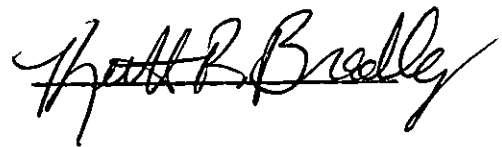
Mr. Benjamin H. Limbaugh, Esquire
1000 Assembly Street
Columbia, SC 29201

RE: Keith Bradley v. State
Appellate Case No. 2021-000662

Dear Mr. Limbaugh:

Enclosed please find written explanation pursuant to Rule
203(d)(1)(B)(vi), SCACR, that is served upon you.

Sincerely,

A handwritten signature in cursive script that reads "Keith R. Bradley". The signature is written in black ink and is positioned below the typed name "Keith R. Bradley".

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The South Carolina Court of Appeals

Keith Bradley, #23811, Appellant

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000662

The Honorable Roger M. Young, Sr.

Charleston County

Trial Court Case No. 2019CP1003970

Written Explanation, as required by Rule
203(d)(1)(B)(vi)

This matter is before this court for an explanation pursuant to Rule 203(d)(1)(B)(vi) Simpson v. State, 495 S.E.2d 425 (S.C. 1998) and Rule 240, SCACR. Simpson plead guilty to second degree arson and entered guilty but mentally ill pleas, pursuant to North Carolina v Alford to first degree burglary, assault with intent to kill and weapons charge. Appellant next filed a petition for writ of habeas corpus in this Court Original jurisdiction which was dismissed pursuant to Key v Currie. Appellant then filed a petition for writ of habeas corpus in the circuit court. The

circuit court judge granted the State's motion to dismissed the petition on the ground that habeas corpus may not be used as a substitute for an action under the Uniform post Conviction Act. Appellant asserts the ruling of the circuit judge was erroneous because the issues raised by Petitioner in the present case goes to the jurisdiction of the sentencing Court, therefore Simpson would not apply.

At common law, the writ of habeas corpus was available after conviction only to attack the jurisdiction of the court that had imposed sentenced.

It is fundamental that habeas corpus is a collateral remedy, subject to the limitations common to collateral proceedings, and call in question only the jurisdiction of the court whose judgment is challenged. It is only when a judgment of conviction or sentence imposed is void, and not merely voidable, that relief may be had by habeas corpus.

The Petitioner will show unto this court that Art. III, § 18 of the S.C. Constitution provides as Follows: No Bill or Joint Resolution have the force of law, unless it shall have been read three times on three several days in each house has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of representatives: ...ect.

It was personally discovered , with the help of the staff at the South Carolina Department of Archives and History on Friday 17h 2017, that during the legislative years of 2003 and 2004 that 109 legislative acts did not received the Great seal of the State affixed to them pursuant to the State Constitutional

requirements regarding what is required of a Bill or Resolution to receive the force of law within the Stat.

In the City of Rockhill v. Harris, 705 S.E.2d 53 (.C. 2011) the court provides a guideline how to interpret the South Carolina Constitution; When this Court is called to interpret our Constitution, it is guided by the principle that both the citizen General Assembly have worked to create the governing law. See Miller v. Farr, 133 S.E.2d 838, 841 (1963)(stating that the Court's effort in construing the South Carolina are aimed at assessing the intent of its framers and the people who adopted it). Therefore, the Court will look at the "ordinary and popular meaning of the words used, Richardson v. Town of Mount Pleasant, 566 S.E.2d 523, 525 (2002) keeping in mind that amendments to our Constitution become effective largely through the legislative process. Miller v Farr, 133 S.E.2d 838, 841 (1963). For this reason, the Court applies rules similar to those relating to the construction of statutes to arrive at the ultimate goal of deriving the intent of those who adopted it.

In determining whether a statute compiles with South Carolina Constitution the Court will if possible, construe the statute so as to render it valid, every presumption will be made in favor of the constitutionality of a legislative enactment and a statute will be declared unconstitutional only when its invalidity appear so clearly as to leave no room for reasonable doubt that it violates some provision of the Constitution. Moseley v. Welch, 39 S.E.2d 133, 137 (1946).

In Gibson v State, 495 S.E.2d 426 (S.C. 1998) the Court said, that a habeas corpus petition must support the requested relief. Hunter v State, 447 S.E.2d 203(1994). The Petitioner's habeas corpus asserts that the court is to test the legality of the prisoner's present detention and the only question that may be considered on an application for writ of habeas corpus after conviction are whether the Petitioner was convicted by a court having jurisdiction of his person and of the offense and whether the judgement or order and sentenced pronounced were within the court's power, as authorized by law ... In other words the inquiry is addressed not to errors, but to whether the judgment or sentenced is void. Petitiomer must present sufficient factual allegation to support the petition. Hayes v. State 130 S.E.2d 906 (1963).

It is evident the factual allegation are within reach in the habeas petition to show that the Judgment of court is void. The Pettion show that the acts don't have the impression of the Great Seal of the State.

The Petitioner having shown murder and the punishment for murder 16-30-20 don't have the Great Seal afixed to the acts Petitiouer request that he be release from the custody of the Respondet because the judgment of the court is void. Although this matter has not been brought in PCR, Petitiouer's assert that it doesn't matter whether PCR or State habeas corus be used for this matter

is about the jurisdiction of the Court and is properly before the court. State v Funderburk, 191 S.E.2d 520 (1972) N.1,

It is elementary that lack of jurisdiction of the cause or subject matter can be raised at any time including for the first time on appeal in the court. State v Castleman 64 S.E.2d 250, State v. Adams 53 S.E.2d 538. We think it elementary, with no need for citation of authority that the acts of a court with respect to a matter as to which it has no jurisdiction are void. Petitioner has a Constitutional claim which require release from the custody of the Respondent. Wherefore Petitioner is entitled to a hearing. The Uniform Post Conviction Act cannot provide the relief Petitioner seek, Petitioner seek release from the custody of the Respondent, PCR can only give a new trial and to answer to PCR under ineffective assistance of counsel opens the door from professional help from counsel to my determint in other words lawyers are agent of the State. A prolong wait for release is noting more than a complete miscarriage of justice. William v. Ozmint 671 S.E.2d 600, 663, (S.C. 2008).

In Leamon v. State, 611 S.E.2d 494 (S.C. 2005) shows dismissal for various reason. For example, in Carter v State, 552 S.E.2d 342 (1999), the court held the defendant was incarcerated in federal prison.. The PCR Judge dismissed the defendant's PCR application without prejudice allowing the defendant the right to apply for PCR when he was later incarcerated in a State facility. This Court affirmed the PCR judge's dismissal of the case without

* The only remedy which can be granted is release from custody, whether absolute or conditional. Mccall v State, 145 S.E.2d 419, 420 (S.C. 1965)

prejudice to the defendant's right to later file an application. The present case is distinguishable. In Carter, the State consented to the dismissal of the PCR application after the statute of limitations has run and agreed the defendant should be allowed to refile at a subsequent date. Therefore, the State was estopped from asserting the statute of limitations. Carter, 522 S.E.2d at 342. Then the Petitioner contends this Court's holding in Wilson v State, 559 S.E.2d 581 (2002) supports Petitioner's argument for equitable relief. We disagree. In Wilson, the defendant instructed his attorney to appeal his conviction and the attorney failed to do so. Wilson filed a PCR application alleging ineffective assistance of counsel. The PCR judge dismissed the defendant's claim because it was untimely under the statute of limitations. This Court reversed the PCR judge and remanded the case for an evidentiary hearing to determine if the defendant knowingly and intelligently waived his right to direct appeal. Wilson, 559 S.E.2d at 583. In this case the prior Carter decision was wrong. These are the reasons why a habeas corpus was decided, the tradition of habeas corpus is to bring the prisoner before the court to here what he has to say, not to take two years and wrong judgment and remand for another hearing.

CONCLUSION

Petitioner prays that this court is satisfied with this explanation

Dated

September 7th 2021


Keith Bradley

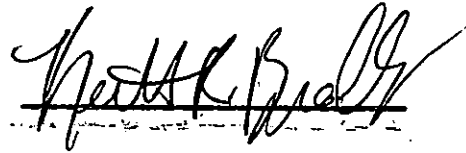
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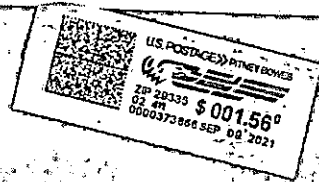
SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail Written Explanation to the S.C. Court of Appeals, Jenny A. Kitchings, Clerk, P.O. Box 11629, Columbia, SC 29211 and Benjamin H. Limbaugh, Esquire, 1000 Assembly Street, Columbia, SC 29201 this 7th day of September 2021 by depositing same in the U.S. mail.


Heath R. Breda

Keith R. Bradley #23811
Tiger River Correctional Inst
200 Prison Rd, Unit 4-123B
Enoree, SC 29335



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TYRCI MAILROOM

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