

The State of South Carolina  
In The Court of Appeals  
[In The Supreme Court]

Appeal From Aiken County  
Court of Common Pleas

Clifton Newman, Chief Admin. Judge

Case # 2021-001281

[Initial] Brief of Appellant

Rusty M. Dumber 294996

M.C.J. F-2-B-143

386 Redemption Way

McCormick S.C. 29899

Table of Authorities \*

Cases

McCoy v. State 401 S.C. 363 n.1, 737 S.E. 2d 623, 625  
n.1 (2013)

Statutes

16-11-311 (B)

Other Authorities

S.C.R. Crim. P. 29 (b)

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## Statements of Issues on Appeal

① Am I entitled to a P.C.R. Evidentiary Hearing in accord to McCoy v. State 401 S.C. 363 after having made a timely filing pursuant to S.C.R. Crim. P. 29(b)?

## Statement of the Case

On July, 18, 2019 I filed for P.C.R. after having made discovery of Judicial and Prosecutorial Misconduct within a legal brief given to me by another inmate in Oct, 2018.

## Facts

In Oct, 2018 Walter Jones gave to me a legal brief in which was compiled for him in April 2016 by the Law Office of Tara Dawn Shurling of Columbia S.C. Within this brief was a Jan, 31, 2011 Walter Jones P.C.R. Hearing held before Payet A. Early III, (then Chief Admin. Judge 2<sup>nd</sup> District). This hearing record proves Prima Facie that on Dec, 18, 2009 Early and Beth Ann Young knowingly, willingly and maliciously engage in unbecoming misconduct meant to deceive the appellate courts by enacting a calculated scheme that creates the illusion of an error or mistake in sentencing my alleged co-defendant to less than prescribed by statute, 16-11-311(B).

Because this record did not exist in March 2012, I, (through due diligence) could not present the

now fully ripe issue for Appellate review, until its discovery in 2018. Now I have timely filed these issues pursuant to McCoy (Supra), as well as S.C.R. Crim. P. 29(b).

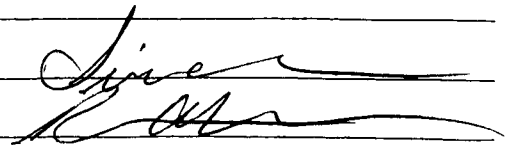
### Arguments

I filed on July 18, 2019 a P.C.R. Action in accord with S.C.R. Crim. P. 29(b) and pursuant to McCoy v. State 401 S.C. 363 after having made its discovery in Oct. 2018. This is well within the year statute of limitations applied therein.

Because of the misconduct on behalf of the Judge and Solicitor in my case disguising their misconduct as instead an error or mistake, they should not now be able to say that I could've submitted the issues that were hidden by them in such a calculated deceitful manner in my first P.C.R. when such deceit was designed to deny such review due to its calculated wickedness.

### Conclusion

For the reasons stated, this Court should reverse the judgement of the Circuit Court.



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Certificate of Service

Rusty Dunbar

v.

State

Case # 2021-001281

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Attorney General's Office  
P.C.R. Division  
Megan Harrison Jameson  
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*di*  
*R. W. J.*

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Supreme Court of S.C.  
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