

Robert M. Dudek  
Appellate Defense  
1330 Lady Street  
P.O. Box 11589  
Columbia, S.C. 29211

April 18, 2013

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APR 23 2013

S.C. Supreme Court

RE: State of South Carolina vs. James E. Waiters, Jr.  
Case No. 2010-CP-23-10380

DEAR MR. DUDEK:

I HAVE A FEW QUESTIONS AND CONCERNS ABOUT MY CASE. ON FEBRUARY 18<sup>th</sup>, 2013, A JUDGEMENT WAS ENTERED TO VACATE MY CONVICTIONS. NOW THE STATE FILED A NOTICE OF APPEAL ON FEBRUARY 25<sup>th</sup>, 2013. THE PROBLEM HERE IS, MY RECORDS INDICATE THAT A 59(E) MOTION WAS NEVER FILED BY THE STATE. SEE STATE V. MARLAR, HUMBERT V. STATE; DRUITH V. STATE, SUPRA. THERE IS NO ISSUE PRESERVED FOR APPELLATE REVIEW, SO THE STATE APPEAL HAS NO MERITS. AT THE PCR HEARING, SEE (TRANSCRIPT). THE STATE NEVER MADE A REBUTAL PRESUMPTION TO THE JURY BEING UNSWORN. WHICH CAN ONLY MEAN THAT THE STATE IS ATTEMPTING TO ARGUE AN ISSUE NOT PRESERVED.

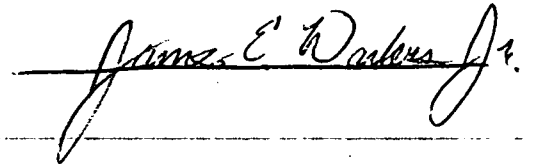
I WOULD LIKE TO DIRECT MY NEXT CONCERN TOWARDS THE CONFINEMENT DURING THIS APPEAL. EVEN IF THE ORDER OF JUDGMENT IS NOT FINAL, WHICH I DISAGREE WITH THE TERM, BECAUSE AN APPEAL OR NOTICE OF APPEAL SHOULD NOT STOP THE JUDGMENT OR ORDER FROM BEING CARRIED OUT. FED. LAWS AS WELL AS THE CONSTITUTION INDICATE THAT MY CONFINEMENT WITH

A VACATED SENTENCE AND CONVICTION IS UNCONSTITUTIONAL.  
PLEASE BRIEFLY EXPLAIN WITH ANY SUPPORTING CASE LAW OR  
STATUTE THAT GOVERNS THIS STAY OF CONFINEMENT DURING  
THIS APPEAL BY THE STATE.

Mr. Dudek, I strongly suggest that you petition for  
AN APPEAL BOND BASED ON THE GROUNDS OF A FRIVOLOUS APPEAL  
MADE BY THE STATE. MY RECORDS ALSO INDICATE THAT ON FEBRUARY  
25<sup>th</sup> A NOTICE OF APPEAL WAS FILED BY MS. K. RATIGAN. A COPY OF  
THAT SAME NOTICE OF APPEAL WAS FILED WITH THE CLERK OF COURT  
SOME TIME IN MARCH. PLEASE SEND ME A COPY OF EVERYTHING YOU  
HAVE ON FILE CONCERNING MY CASE. THANK YOU FOR YOUR CONSIDERA-  
TION OF THIS LETTER. (PLEASE NOTE) I'M GOING FORWARD WITH MY  
COMPLAINT THAT S.C.D.C. IS IN CONTEMPT TO CARRY OUT THIS ORDER.  
NO-CONVICTION. NO-SENTENCE.

Sincerely,

JAMES E. WAITERS JR.



STATE OF South Carolina  
In The SUPREME COURT

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APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

THE HONORABLE R. MARKLEY DENNIS, Jr.,  
Circuit Court Judge

---

CASE No. 2010-CP-23-10380

JAMES E. WAITERS Jr., ..... Respondent,

v.

State of South Carolina, ..... PETITIONER.

PROOF OF SERVICE

I, JAMES E. WAITERS, the ABOVE-CAPTION Respondent, certify that I have today served the within letter for ALL CASE filings on record upon Appellate Counsel (Mr. Dudek).

ROBERT M. DUDEK  
Appellate Defense  
1330 Lady Street  
P.O. Box 11589  
Columbia, S.C. 29211

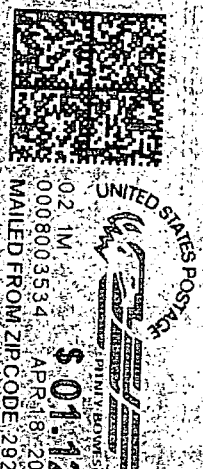
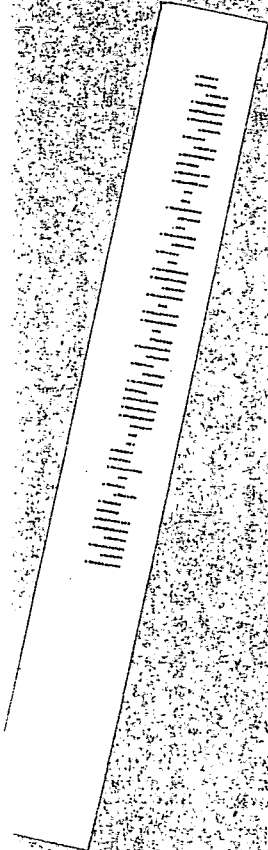
Rosalyn W. Frierson  
S.C. Court Administration  
1015 Sumter Street, Suite 200  
Columbia, S.C. 29201

I further certify that all parties by Rule to be served have been served this 18<sup>th</sup> day of April, 2013.

JAMES E. WAITERS Jr.  
B.R.C.I. MLT 2042  
1440 Broad River Road  
Columbia, S.C. 29210  
(Respondent)

JAMES E. WALTERS JR. #2359105  
Broad River Court Insttit.  
4460 Broad River Road  
Columbia, S.C. 29210

DANIEL E. SHEAROUSE  
The Supreme Court of South Carolina  
Clerk of Court, P.O. Box 11330  
Columbia, S.C. 29211



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