

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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**APPEAL FROM Anderson County  
J. Cordell Maddox, Jr., Circuit Court Judge**

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**Opinion No. 2021-up-147  
S.C. Court of Appeals  
Submitted March 1, 2021- Filed May 5, 2021  
Rehearing Filed Aug 23, 2021**

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The State of South Carolina..... Respondent

v.

Gavin v. Jones ..... Petitioner

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**REPLY BRIEF TO RESPONDENTS RETURN  
TO PETITION FOR WRIT OF CERTIORARI**

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Gavin V. Jones, Pro Se  
Tyger River Corr.  
200 Prison Rd.  
Enoree, S.C. 29335

Taylor Zane Smith, Esquire  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211-1549

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**DEC 07 2021**

**S.C. SUPREME COURT**

## ARGUMENT

In the Respondents final brief to the Court of Appeals there is NO mention of “counter statement of Issues.” Also in the Respondents Return to Petitioners Motion for a Rehearing there is NO “Counter Statement of Issues.” Yet in this Return to Petitioners request for a Writ of Certiorari the Respondent present this Court with four New Issues that has NOT even been seen by the Court of Appeals.

### PETITIONER’S ISSUES PRESENTED

Did the Court of Appeals err by not ruling that the Solicitor office have a ministerial duty to follow the lawful procedure for obtaining Indictments in S.C. Coe of Law 14-9-210?

Did the Court of Appeals err by not ruling that the Solicitor office have a ministerial duty to follow S.C. Laws when obtaining a lawful indictment?

Did the Court of Appeals err by not ruling that on illegally obtained Indictment can give notice and exercise Subject-Matter-Jurisdiction over his person end case?

Does the trial Court have Subject-Matter-Jurisdiction over a case that was obtained by violating S.C. code of law 16-9-10 A2 (perjury and Subornation of perjury)?

### RESPONDANT’S COUNTER STATEMENT OF ISSUES

Did the Court of Appeals correctly affirm the circuit court’s order denying Petitioner’s petition for a writ of mandamus when Petitioner has failed to prove that his murder indictment was invalid because his indictment was true-billed during a lawful meeting of the Anderson County grand jury?

Did the Court of Appeals correctly find that the murder indictment gave Petitioner adequate notice of the charge against him, and has that finding become law of the case?

Did the Court of Appeals correctly hold that the circuit court did not abuse its discretion in denying Petitioner's petition for a writ of mandamus when the Petitioner failed to prove that the elements required for the issuance of the writ had been met?

Does the doctrine of res judicata preclude Petitioner from challenging the lawfulness of the murder indictment due to the fact that the Petitioner previously raised this identical issue ad similar issues in litigation with the Respondent?

Respondents counter statement of issues was not argued in the Court of Appeals nor in the State's return to Petitioner's motion for a rehearing. It would seem that since the Attorney General believes this court will not grant Certiorari to Petitioner, he is free to make a mockery of the proceedings.

From Respondents Return there is one thing that is Apparent to this Court. The Petitioners issues present was preserved for review. Next the Petitioner would point out to this Court that the issues presented by Petitioner were never ruled on by the Court of Appeals. In the order of the Court of Appeals there is No mention of questions presented by Petitioner.

SCACR Rule 242 (D) only those questions raised in the Court of Appeals and in the Petition for rehearing shall be included in the Petition for Writ of Certiorari as a questions presented to the Supreme Court.

Petitioner will not waste the Courts time by arguing against the Respondents return and he didn't argue 90% of that return below in the Court of Appeal. However, Petitioner would clarify a point; my life hangs in the balance based on a facially valid order. This order was issued asking that the Grand Jury be allowed to convene at the next 6 months of General Session Court.

All the Solicitor had to do was follow the order. But he did not. The Solicitor could have wait to January 11<sup>th</sup> 1999 when General Session started, but he did not. The Solicitor made a decision to

falsify information on Petitioner indictment that Petitioner was indicted January 5<sup>th</sup> 1999 at a Court of General Session when Court was closed by order of Chief Justice Finney.

This was Perjury under S.C. Code of Law 16-9-10 A2. Knowing that false information was upon Petitioner's Indictment, the Solicitor used that invalid indictment to bring Petitioner to trial; this was a Sham Legal Process, 16-17-735.

I humbly ask this Court when does the TRUTH come into play? It does Not take a Lawyer to see when someone is being untruthful.

The Solicitor office was indicting people whenever he wanted. They thought NO one would catch it because of the Secrecy Clause. When you say something is facially valid, it's the same as saying, "Looking at it, it seems valid. But if I check, it may reveal something else." Almost like a fake ID.

Lawfully issued "means adopted issued or rendered" in accordance with the Applicable statutes, rules, regulations and ordinances of the United States, "A STATE," an agency or a political subdivision of state. (Emphasis Added)

14-9-210 was Not followed, along with that the order signed by Judge Dean Hall asking that the Grand Jury be Allowed to convene for the next 6 months of General Sessions. The Solicitor did not follow that order either. Because we know that there was No General Session Court on January 5<sup>th</sup> 1999. So they lied and put that lie on my Indictment that it did happen "Perjury." But now you say, "You didn't know," that it has been a "PRACTICE." Then you say, "Oh but that didn't hurt you." I've been in Prison and I'm innocent!! Found guilty on weak circumstantial Evidence. Not so much as a fingerprint of mine at the scene. But that does not matter to you; your job is to find any way to keep me in here. You do not care about the Lawful or unlawful for you bend it in any way that gains you a victory.

I do not have that luxury and this is the TRUTH, Not some quip. If you run a stop sign its breaking the law it does not matter that there were no cars coming when you did it. When false information was placed on my indictment it was "Perjury." How can the indictment be Lawful after that? If I write a check in someone else's checkbook, sign their name, "Its Forgery." It was "Facially" valid before it was checked. But now we know it's No good. When this Court observed the Laws and documents it will be clear, Truth. That unlawful Indictment has allowed the State of South Carolina to take something from me without Due Process "My Life."

Petitioner has presented to this Court proof. You have the Attorney General of South Carolina now trying to argue against Petitioners issues, the record will show this Court that my issues are presented but not addressed below by the Court of Appeals nor the Attorney General. Now, the Attorney General says, "let me just make my own issues up – I still will not address Petitioner's issues."

The question now is: Will this Court allow the S.C. Attorney General to argue in this court what he did not argue in the Court of Appeals?

**CONCLUSIONS**

Petitioner strongly objects and asks that this court would remand this Appeal back to the Court of Appeals with instructions to specifically answer the four (4) issues presented on appeal or that this court will accept this Petition of Writ of Certiorari.

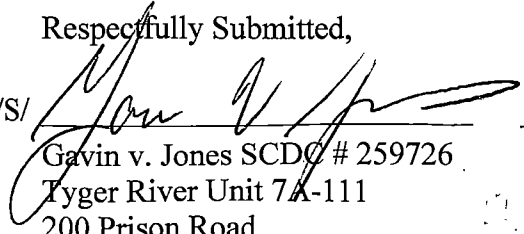
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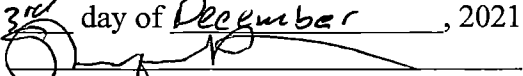
**S.C. SUPREME COURT**

Respectfully Submitted,

/s/

  
Gavin v. Jones SCDC # 259726  
Tyger River Unit 7A-111  
200 Prison Road  
Enoree, SC 29335

Sworn to and subscribed before me this  
3<sup>rd</sup> day of December, 2021

  
Notary of South Carolina

My Commission Expires: 2/3/2026