

21-7763 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 26 2022

OFFICE OF THE CLERK

Randolph Ashford — PETITIONER
(Your Name)

Kenneth Nelson vs.
Yasmeen E. Klein "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court
of South Carolina, last addressed merits of case.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Randolph Ashford

(Your Name)

4460 Broad River Rd.

(Address)

Columbia, South Carolina - 29210

(City, State, Zip Code)

N/A (SCDC)

(Phone Number)

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QUESTION(S) PRESENTED

Was Petitioner's 5th, 6th, and 14th, Amendment Rights of the U.S. Constitution, Due Process Rights violated, by the procedural defects in the establishing of the indictment, not being filed with the Clerk of Court, Prior to presentment to the Grand Jury.

Was the Court of General Sessions, by the laws of the State/ Federal Constitution, legally indict Petitioner in the Court of Common Pleas on April 2007 and May of 2007, Terms of Court.

Was the Court of General Sessions by the laws of the State/ Federal Constitution legally indict Petitioner in the Court of Common Pleas in August, 2008 and September 2009, Terms of Court.

Did the State of South Carolina, need to re-indict Petitioner, after the not guilty verdict, for indictment No. 2007-GS-40-1940, So that trial court could retain subject matter jurisdiction.

Did Petitioner's indictment No. 2007-GS-40-020001, need be re-submission to the grand jury for amendment.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Warren B. Giese, Solicitor

Kathryn Luck campbell, Solicitor

Will Bryant, Solicitor

Jeanette W. McBride, Clerk of Court

The Honorable G. Thomas Cooper, JR., JUDGE

RELATED CASES

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

[] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Supreme court appears at Appendix C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was March 2, 2022. A copy of that decision appears at Appendix C - 21-22.

A timely petition for rehearing was thereafter denied on the following date: March 2, 2022, and a copy of the order denying rehearing appears at Appendix C - 21-22.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment XIV. Of The United States Constitution

Amendment VI. Of The United States Constitution

Amendment V. Of The United States Constitution

The CONSTITUTION OF THE STATE OF SOUTH CAROLINA
Article I. Declaration of Rights

Section 1, 3, 11, and 22

STATEMENT OF THE CASE

According to the State of South Carolina, on the afternoon of February 24, 2007, Petitioner committed a series of crimes.

On April 19, 2007, the Richland County Grand Jury allege to have indicted Petitioner for first degree burglary, two counts of assault with intent to kill (AWIK), and first degree criminal sexual conduct. APP. 1127 through 1131, Petitioner was allege to have been indicted for two counts of Kidnapping and three counts of carjacking from the same set of facts, APP. 450 through 451, APP. 925 through 1009. On March 30, 2009, Petitioner case proceeded to a jury trial before the Honorable G. Thomas Cooper, Jr. App. 35. Deon O'Neil and Nicole Singletary represented Petitioner. Kathryn Luck Campbell and Will Bryant represented the State. App. 35.

In Reverse, By order of the Honorable Judge Childs: Filed September 26, 2008. The parties are set for a status conference on Monday, October 20, 2009, to dicuss a trial date. See: Appendix - A.

On March 30 - April 3, 2009. Petitioner proceeded to trial before the Honorable G. Thomas Cooper Jr. and a jury, despite Petitioner's request to relieve counsel, and a motion for a continuance. See: App. 284-307, Lines - 1 - 25,.

Pursuant to Code 1976, 14 - 5 - 670, The Court of the Fifth Judicial Circuit, shall be held as hereinafter provide

(2) The Court of General Sessions for Richland County Shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks and on the second Monday in December for two weeks. (3) Additional terms for certain matters - In addition to the terms of Court herein before set forth, there shall be held additional terms of Court without juries to hear equity matters and all matters not required jury trials, such terms to be held as follows, (a) Richland County: On the third Monday in February, On the third Monday in May and on the fourth Monday in October, each for one week; and etc, etc.,.

The Constitution of the State of South Carolina. Article I. Section 11. No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, etc, etc.,.

The State of South Carolina, Rules of Court, Rule - 3. Disposition of Arrest Warrants, Require (c) Action on Warrant, Within (90) days after receipt of an arrest warrant from the Clerk of Court, the Solicitor shall take action on the warrant by (1) Preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the grand jury; etc, etc.,.

In this case, Petitioner was alleged to have been indicted, tried, and convicted out-side of the Constitution of the State of South, The United States Constitution, section 1. XIV Amendment; S.C. Constitution, Article I. section 1,3,11, and 22; The South Carolina, Rules of Court, Rule - 3. (c). Statues & Court Rules; South Carolina Code Ann - 14 - 5 - 670; 14 - 9 - 210; South Carolina Code Ann - 17 - 19 - 10; 17 - 19 - 20; 17 - 19 - 100;.

Petitioner, asserts the indictments is viod, invalid, and illegal violating his constitutional rights and denied him due process of law.

Indictment No. 2007-GS-40-1940, Petitioner, not guilty verdict, See: Mackey V. State, No. 25795, See: App. 815, Lines - 14 through 19., App. 816, Lines - 1 through 4., also App. 561, Lines - 1 through 25.,

Indictment No. 2007-GS-40-02001, Petitioner's indictment was amended by agreement March 30, 2009, by the Honorable Judge, by writing in the body of the indictment, and crossing out names See: Russell V. United States, No. 8-12, 128., The Court stated that an indictment may not be amended except by resubmission to the grand jury, unless the charges is merely a matter of form." (emphasis added). Stirone V. United States, No. 35.,

REASONS FOR GRANTING THE PETITION

CASE NUMBER: 07022004-24

STATE V. RANDOLPH ASHFORD

In the State of South Carolina, The Fifth Judicial Circuit Court of General Sessions violated the State/Federal Constitution Indictment Process, and Randolph Ashford; Due Process Rights 5th, 6th, and 14th, and Warrant The Court Attention.

Pursuant to South Carolina Code Ann, Section 14-9-210, requires strict compliance with it's provision and mandates that the grand jury must be impaneled under the jurisdiction of the court of general sessions, before a lawful return of a true billed indictment. In the State of South Carolina V. Randolph Ashford, See: Appendix A. Bills of Indictments prints that the indictments was return, At a court of general sessions that convened on April 18, 2007, and May 23, 2007. See: Appendix A. Terms of Circuit and Family Court.

The terms of court for Richland County, here in South Carolina are fixed by South Carolina Code Ann - 14-5-670, shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks and on the Tuesday following the first Monday in September for three weeks and on the second Monday in December for two weeks etc, etc,.

No Court of General Sessions was convened as illegally

printed in Petitioner's Ashford, indictment's, Nor was the indictments filed with the South Carolina, Rules of Court. Rule - 3 (c).

Action on Warrants

Within ninety (90) days after receipt of an arrest warrant from the Clerk of Court. The solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the grand jury etc. etc.

Petitioner, request the court to take judicial notice of the lower court judicial misconduct and the miscarriage of justice in the Petitioner's case.

~~The Terms of Circuit and Family Court, Clearly shows no court of general sessions convened on the date of indictments, nor was indictments filed with the Richland County Clerk of Court. See: Appendix - A. 1-10,.~~

For these reasons and questions presented, A writ of Certiorari should be issued to review the judgment of the lower courts convictions and sentence and grant a new trial.

For these reasons and questions presented, A Writ of Certiorari should be issued to review the judgment of the lower courts convictions and grant a new trial.

This petition for writ of certiorari should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Randolph Aslafel

Date: April 25, 2022.