

22-5629

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

SEP 07 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

SAUL WILLIAMS — PETITIONER
(Your Name)

vs.

STATE OF SOUTH CAROLINA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

SAUL WILLIAMS #235861
(Your Name)

KIRKLAND CORRECTIONAL INST.
(Address)

4344 Broad River Rd. Columbia 29210
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DID THE SOUTH CAROLINA Supreme Court
COMMITTED ERROR WHEN IT DISMISS PETITIONER
REQUEST TO FILE A WRIT OF HABEAS CORPUS
FOR LACK OF SUBJECT MATTER JURISDICTION DUE
TO THE FACT THAT NONE OF THE INDICTMENTS
HAD BEEN FILED IN THE CASES.

DID THE SOUTH CAROLINA Supreme Court
UNCONSTITUTIONALLY SUSPEND THE WRIT OF
HABEAS CORPUS AS IT APPLIES TO PETITIONER

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:

RELATED CASES

WALKER V JOHNSON 312 US 275, 61 SCt 574 85 LEd 830
FAJ V NOIA. SUPRA AT 399-415 OF 372 US, 83 SCt 827-836
EX PARTE KEARNEY, 7 WHEAT. 38, 5 LEd 391 (1822)
STATE V DOUGLAS 138 SE 2d 845 (1964)
STATE V DUDLEY 614 SE 2d 623 (2005)
STATE V CROCKER 366 SC 394 N3

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

TILLMAN V MANNING 241SC 221, 127 SE2d 721 (1962)
HAWK V OLSON 326US 27, 273 66 SCt 46, 117 qotLED 61, 68
HUNTER V STATE 447 SE2d 203 (1994)
SIMMONS V STATE 322SC 49, 471 SE2d 455 (1993)
LAKES V STATE 333SC 382 510 SE2d 228 (1998)

STATUTES AND RULES

OTHER

SOUTH CAROLINA CONSTITUTION Article 7 § 18

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[] is unpublished.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 _____ 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 _____ 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.

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 JUNE 28 2022.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U S C A 14

S.C. Const Article 1 CLAUSE 3, 1 CLAUSE 11

S.C. Const Art 5 § 5

STATEMENT OF THE CASE

THE PETITIONER MOVED BEFORE THE SOUTH CAROLINA SUPREME COURT FOR PERMISSION TO FILE A WRIT OF HABEAS-CORPUS OR PCR. CHALLENGING HIS 1996 CONVICTIONS AND SENTENCES.

ATTACHED TO THE REQUEST WERE THE INDICTMENTS AS EXHIBITS EVIDENCING THAT THEY WERE NEVER FILED AND THEREFORE THE COURT HAD LOST SUBJECT MATTER JURISDICTION TO ENTERTAIN HIS GUILTY PLEAS.

THE COURT DENIED PETITIONER'S REQUEST WITH A HEARING OR WITHOUT TAKING JUDICIAL NOTICE OF THE FACT THAT NONE OF THE INDICTMENTS HAD BEEN FILED AND WITHOUT ANY CONCLUSION OF LAW OR REQUIRING THE STATE TO RESPOND TO THE ALLEGATIONS IN THE PETITION.

REASONS FOR GRANTING THE PETITION

- (A) An ISSUE OF FACT HAS BEEN PRESENTED BECAUSE WHETHER OR NOT THE INDICTMENTS IN THE CASE WERE EVER FILED.
- (B) IT WOULD BE A MISCARRAIGE OF JUSTICE BECAUSE THE PETITIONER WOULD BE CONFINED AFTER BEING CONVICTED WHEN NO CHARGES WAS PENDING AGAINST HIM.
- (C) A FAILURE TO GRANT THIS PETITION WOULD CONFLICT WITH DECISION FROM OTHER COURTS DEALING WITH THE SAME SUBJECT

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Saul Williams

Date: 5th Sept 2022