

SUPREME COURT OF UNITED STATES

SAUL WILLIAMS

v

22-5629

STATE OF SOUTH CAROLINA; PETITION FOR REHEARING

NOW HERE COMES THE PETITIONER WHO HEREBY
MOVES BEFORE THIS COURT FOR A REHEARING IN
THE ABOVE CASE THE PETITIONERS GROUNDS
ARE

GROUND

- (1) LACK OF SUBJECT MATTER JURISDICTION;
- (2) LACK OF ORIGINAL JURISDICTION

ARGUMENT (1)

THE UNITED STATES SUPREME CT HAS HELD
THAT SUBJECT MATTER JURISDICTION IS THE CON-
STITUTIONAL AND STATUTORY POWER TO ADJUDICATE
A CASE U.S.V COTTON 535 US 625 122 S Ct 1781
NOTE (3)

BECAUSE SUBJECT MATTER JURISDICTION INVOLVES A
COURTS POWER TO HEAR A CASE, DEFECTS REQUIRE
CORRECTION REGARDLESS OF WHETHER THE ERROR WAS
RAISED IN DISTRICT COURT.

THE PETITIONER CONTENDS THAT THE CIRCUIT COURT
LACKED SUBJECT MATTER JURISDICTION TO ADJUDICATE
THE CASE AGAINST PETITIONER BECAUSE THE
CHARGES AGAINST HIM WAS NEVER FILED

PETITIONER HAS SUBMITTED INDICTMENTS TO EVIDENCE THIS FACT AND REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF SUCH

THE PETITIONER PRESENTED THE SAME TO THE SOUTH CAROLINA SUPREME COURT AND THE RESPONDENT DID NOT REBUT THE PRESUMPTION THAT IT (THE LOWER CT) LACKED SUBJECT MATTER JURISDICTION

JURISDICTION CANNOT EXIST UNTIL JURISDICTIONAL PREREQUISITE HAS BEEN SATISFIED.

THE SOUTH CAROLINA COURTS HAS HELD THAT SUBJECT MATTER JURISDICTION ARE "SATISFIED WHEN APPROPRIATE "CHARGES ARE FILED" IN A COMPETENT COURT SEE E.G. STATE V CROCKER 366 SC 394, 621 SE 2d 890 N.B. THE APPEALS CT OF SOUTH CAROLINA HELD "THE REQUIREMENT OF SUBJECT MATTER JURISDICTION ARE SATISFIED WHEN APPROPRIATE CHARGES ARE FILED IN A COMPETENT COURT"

THE SAME HOLD THROUGH FOR FEDERAL COURTS SEE JONES V CALVERT GROUP LTD 551 F.3d 297 300 (CA4 2009) SUBJECT MATTER JURISDICTION IS LACKING WHERE CHARGE FILING REQUIREMENTS ARE NOT SATISFIED.

INASMUCH THAT THESE CHARGES WERE NEVER FILED THE COURT LACKED SUBJECT MATTER JURISDICTION TO ENTICAIN THE PETITIONERS GUILTY PLEAS.

ARGUMENT (2)

THE CIRCUIT COURT ALSO LACKED SUBJECT MATTER JURISDICTION BECAUSE ORIGINAL JURISDICTION WAS LACKING.

THE PETITIONER ARGUMENT IN SUPPORT OF SUCH IS SOUTH CAROLINA CONSTITUTION ARTICLE 5 CLAUSE 11

WHICH PROVIDES IN PERTINENT PART THAT THE CIRCUIT SHALL BE A GENERAL TRIAL COURT WITH ORIGINAL JURISDICTION IN CIVIL AND CRIMINAL CASES EXCEPT THOSE CASES IN WHICH EXCLUSIVE JURISDICTION SHALL BE GIVEN TO INFERIOR COURTS

IN THE CASES AT BAR THESE PROCEEDINGS WAS INITIATED BY THE ISSUANCE OF AND FILING OF MUNICIPAL WARRANTS WHICH NOT ONLY VIOLATES THE ORIGINAL JURISDICTION OF THE SOUTH CAROLINA CIRCUIT CT BUT ITS ALSO CONTRAVENES THE SEPARATION OF POWERS DOCTRINE OF BOTH THE UNITED STATES AND SOUTH CAROLINA CONSTITUTION. AND THE HOLDING IN RAINEY V HAILEY 404 SC 320, 745 SE 2d 81

IN DETERMINING WHETHER THE LEGISLATURE HAS GIVEN AN ENTITY OTHER THAN A CIRCUIT COURT EXCLUSIVE JURISDICTION OVER A CASE, A COURT MUST LOOK TO THE RELEVANT STATUTE. SC COURT 5 § 11

PURSUANT TO 14-25-5 A MUNICIPAL CT IS A COURT ESTABLISH BY STATUTE AND SHALL HAVE HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER THE ORDINANCES OF THE MUNICIPALITY FOR WHICH IT IS ESTABLISHED 14-25-45.

IN THE CASE AT BAR GRAND JURIES OF THE STATE WAS SUMMONED AND IMPANELLED ON THE BASIS OF MUNICIPAL WARRANTS AND THEREFORE AS A BODY CO-EXTENSIVE JURISDICTION WAS LACKING AND THE ENTIRE PROCEEDING VOID

JURISDICTION IN THE PETITIONERS CASE HAD TO BE ORIGINAL AND EXCLUSIVE ABSENT SUCH THE COURT LACKED SUBJECT MATTER JURISDICTION. SEE EG STATE V FUNDERBURK 259 SC 256 191 SE 2d 520
NOTE (3)

ARREST WARRANT

D- 865375

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head

THE STATE

against

SAUL Williams

Address: 54 Muddy Creek Rd

Hilton Head, SC

Phone: 681-3964 SSN: 254-94-0837

Sex: M Race: B Height: 5' 8" Weight: 170

DL State: DL #:

DOB: 10-03-58 Agency ORI #:

Prosecuting Agency: BCSO

Prosecuting Officer: Det. Adair

Offense: Armed Robbery

Offense Code:

Code/Ordinance Sec. 16-11-330 (A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Williams, Saul

on 1-13-96

Cpl. J. Drake #1449
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant DET. MATT ADAIR who
being duly sworn deposes and says that defendant SAUL Williams
did within this county and state on 12-29-95 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE:

Armed Robbery
16-11-330 (A)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts: IN THAT THE DEFENDANT,
SAUL WILLIAMS, DID VIOLATE SECTION 16-11-330 (A), OF THE
S.C. CODE OF LAWS IN THAT ON 12-29-95 HE DID POINT
& PRESENT TO THE VICTIM, JACK BRUCE, A SINGLE BARREL SAWS-
OFF SHOT GUN AND DEMANDS MONEY. THE DEFENDANT ENTERED THE
PINELAND LIQUOR STORE, HILTON HEAD, SC WITH THE INTENT TO
COMMIT A ROBBERY AND TO DEPRIVE THE RIGHTFUL OWNER OF SAME
THE DEFENDANT RECEIVED \$980.00 FROM THE VICTIM & FLEW THE SCENE
ON FOOT. THE INCIDENT OCCURRED AT 1755, 12-29-95 AT PINELAND
LIQUORS, PINELAND MALL, HILTON HEAD, SC. AFFIANT & OTHERS ARE WITNESS TO
THE SAME.

Sworn to and subscribed before me
on 1-13-96

Signature of Issuing Judge (L.S.)
J. G. Surin

Signature of Affiant

Affiant's Address

Affiant's Telephone

BCSO

609-4300

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 12-29-95 defendant SAUL WILLIAMS
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE:

Armed Robbery
16-11-330 (A)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)
J. G. Surin

Judge Code: 074

Judge's Address

Judge's Telephone

#3 Town Center CT.

H. Hwy MCOB, SC

842-7640

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

BAILED BY

Judge

12-2-95

on

12-14-96

Type and Amount

850.000

Name of Surety

1854

PRELIMINARY HEARING held by

Judge

on

Defense Attorney

Decision

DISPOSITION before

Judge

on

by

(Indicate jury trial, guilty plea, not guilty, etc.)

Disposition

Sentence

JURORS

WITNESSES

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

CODEFENDANTS

BEAUFORT COUNTY

CLERK OF COURT

BEAUFORT, S.C.

34-21-14-96

AM

9:00 AM

1-14-96

[Signature]

WITNESSES

Steven Deigman

Matt Adair

ARREST WARRANT #:

E405670

Arrested on January 15, 1996

ACTION OF GRAND JURY

True Bill

Foreman:

[Signature]
Grand Jury

VERDICT

Foreman:

Petit Jury

Date: _____

DOCKET #: 96GS07-0265

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: February, 1996

THE STATE

vs.

Saul Williams

Had

INDICTMENT FOR

0014

ASSAULT AND BATTERY WITH INTENT TO KILL

(16-3-620)

STATE OF SOUTH CAROLINA)
)
County of Beaufort)

INDICTMENT #96GS07-0265

At a Court of General Sessions, convened on February 19, 1996,
the Grand Jurors of Beaufort County present upon their oath:

COUNT: ASSAULT AND BATTERY WITH INTENT TO KILL
(16-3-620)

That Saul Williams did in Beaufort County on or about December 24, 1995,
with malice aforethought commit an assault and battery upon one Steven Deigman
with intent to kill said victim, to wit: did hit the said Steven Deigman in the
head several times with a sawed-off shotgun.

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.

SOLICITOR

Randolph Munday, III

WITNESSES

W R Criddle

ARREST WARRANT #:

D865373

Arrested on January 13, 1996

ACTION OF GRAND JURY

True Bill

Foreman:

D. H. [Signature]
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

DOCKET #: 96GS07-0250

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: February, 1996

THE STATE

vs.

Saul Williams

INDICTMENT FOR

0139

ARMED ROBBERY

(16-11-330)

WITNESSES

Frank Dees

Robert Bromage

DOCKET #: 96GS07-0267

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: February, 1996

THE STATE

vs.

Saul Williams

ARREST WARRANT #:

E405674

Arrested on January 18, 1996

ACTION OF GRAND JURY

True Bill

Foreman:

P. J. R...
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

INDICTMENT FOR

0139

ARMED ROBBERY

(16-11-330)

WITNESSES

Matt Adair

ARREST WARRANT #:

D865376

Arrested on January 13, 1996

ACTION OF GRAND JURY

True Bill

Foreman:

B. J. Bennett
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

DOCKET #: 96GS07-0253

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: February, 1996

THE STATE

vs.

Saul Williams

INDICTMENT FOR

0082

POSSESSION OF FIREARMS DURING

COMMISSION OF CERTAIN CRIMES (16-23-490)

THE STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS

THE STATE

NO 96 GS-07-264

VS

Saul Williams

1/12/96 to 11/14/96 = 305 days JT

GUILTY PLEA

THE PRISONER Saul Williams IS PUT THE THE BAR AND
ARRAIGNED AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY TO THE CHARGE OF
as charged ON THE WITHIN INDICTMENT.

Thos H. Williams
CLERK OF COURT

Saul Williams
DEFENDANT

11-12-96
DATE

SENTENCE

THE DEFENDANT Saul Williams IS COMMITTED TO THE STATE
DEPARTMENT OF CORRECTIONS/COUNTY FOR A TERM OF 25 ~~YEARS~~/YEARS AND/OR TO PAY
A FINE OF \$; PROVIDED UPON THE SERVICE OF MONTHS/YEARS
AND/OR PAYMENT OF \$, PLUS PAY/WAIVE COSTS AND ASSESSMENTS AS APPLICABLE,
THE BALANCE SUSPENDED WITH PROBATION FOR MONTHS/YEARS.

RESTITUTION

FOR PHYSICAL INJURY \$

YES/NO

PROPERTY DAMAGE \$

TO BE PAID

TO CLERK FOR

OTHER CONDITIONS Concurrent

DATE 11/12/96

Thos H. Williams
PRESIDING JUDGE

costs and assessments

non-waivable \$

not waived \$

Certified - A True Copy

Thos H. Williams
W. Henry Jackson, Clerk of Court

ARREST WARRANT

E- 405670

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head Municipal Court

 THE STATE
against

Saul Williams

Address: 54 Muddy Creek Rd
Hilton Head Island, SC 29928

Phone: 681-3964 SSN: 259-94-0837

Sex: M Race: B Height: 5'9" Weight: 151

DL State: 10/03/58 DL #: Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff Dept.

Prosecuting Officer: Adair

Offense: Assault and Battery with Intent to Kill

Code/Ordinance Sec: 16-03-620 Offense Code:

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
defendant Saul Williams
on 1-15-96

 Sgt. David Randall
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 Ferry A. Pinger, Judge
Three Town Center Court
Hilton Head Island, SC 29928
803-842-7640

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head Municipal Court

AFFIDAVIT

Personally appeared before me the affiant Matt Adairbeing duly sworn deposes and says that defendant Saul Williams
 did within this county and state on December 24, 1995 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Hilton Head Municipal Court)
in the following particulars:

DESCRIPTION OF OFFENSE: Assault and Battery with Intent to Kill

 I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

In that the defendant, Saul Williams, did violate section 16-03-620 of the South Carolina Code of Laws in
that at 0020 hours on 12-24-95, while armed with a sawed-off single barrel shotgun, he did approach the
victim, Steven Deignan, at the Driftwood Gift Shop, Heritage Plaza, Hilton Head Island, South Carolina
with the intent to commit an armed robbery. During the commission of the armed robbery, the victim
grabbed hold of the shotgun and as a result, a struggle ensued, at which time the victim was stuck over
the head with the shotgun several times causing deep lacerations that required emergency treatment. The
affiant and others are witness to prove the same.

Sworn to and subscribed before me on 01/15/96

Signature of Affiant

Affiant's Address BCSO

Hilton Head Island, SC 29928

Affiant's Telephone 803-689-4300

Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head Municipal Court

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
on December 24, 1995 defendant Saul Williams

 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of Hilton Head Municipal Court) as set forth below:
DESCRIPTION OF OFFENSE: Assault and Battery with Intent to Kill

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

 Signature of Issuing Judge Ferry A. Pinger (L.S.)
Judge's Address Three Town Center Court
Hilton Head Island, SC 29928
Judge Code: ADH
 Judge's Telephone 803-842-7640
Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

E-405670

Ref: 95-27220

WITNESSES

Steven Deigman

Matt Adair

ARREST WARRANT #:

E405670

Arrested on January 15, 1996

ACTION OF GRAND JURY

True Bill

Foreman:

A. H. Hensley
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

442

DOCKET #: 96GS07-0265

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: February, 1996

THE STATE

vs.

Saul Williams

Hsd
INDICTMENT FOR

0014

ASSAULT AND BATTERY WITH INTENT TO KILL

(16-3-620)