

No. 23-5218

Writ of Mandamus

IN THE SUPREME COURT FOR THE UNITED STATES

Writ of Mandamus Rehearing

IN RE Jerome: Curry [FleshAndBloodMan]
Petitioner

(A)

PETITION FOR REHEARING FOR WRIT OF MANDAMUS TO COMPEL THE
NINTH CIRCUIT CHIEF JUDGE ROGER YOUNG SR TO DECIDE IF
CONVICTION IS VOID REQUIRING JUDGMENT TO BE VACATED.

Jerome: Curry [FleshAndBloodMan] #253067
F-7-Rhu Unit Cell #11 / Lee Corr. Inst
990 Wilsack Highway
Bishopville, SC 29010

RELIEF SOUGHT

LB

Petitioner Jerome: Curry [Flesh And Bloodman] respectfully request Review and Rehearing by Justices requesting that Court grant this petition for a writ of mandamus and Rehearing thereof directing The Ninth Circuit Chief Administrative Judge Roger Young SR to decide if Conviction is void due to conviction without presentment of grand jury indictment and if that further is an due process violation & ineffective assistance of counsel warranting a judgment in the sentence, plea, & conviction being vacated as in accordance with SCRPC Rule 60(b)(4) void Judgment. Petition done in good faith and not for delay, Judgment entered in 17 month unduly delay of motion in PCR by Chief Judge Roger Young SR. and Attorney failure to respond and grounds for default Judge enter Judgment in 17 month default.

QUESTIONS PRESENTED

(1.) Whether this Court should compel the Ninth Circuit Judge Roger Young SR of the Court of Common Pleas & General Sessions of Charleston County SC to rule on Jerome: Curry [Flesh And Bloodman] PCR claims and long-pending (16) months motions on Relief From void Judgment SCRPC Rule 60(b)(4), summary Judgment motions, Motion To Vacate void Judgment/sentence, raising claims of Judgment being void due to conviction without state grand jury indictment? And if Court error in not granting such writ of mandamus raising these issues? Was Court Judgment and order an abuse of discretion? And supported by findings of fact and conclusions of Law?

JURISDICTIONAL STATEMENT

This Court has jurisdiction to issue the requested petition for writ of mandamus under 28 U.S.C § 1651(a) and Supreme Court Rule 22 § 20.

FACTS NECESSARY TO UNDERSTAND PETITION

On May 2, 2022 petitioner Curry filed a PCR Application along with motions in support thereof to have conviction, plea, and sentence vacated pursuant to SCRPC Rule 60(b)(4) void Judgment which was docketed with the circuit Court as timely filed.

Petitioner requested hearing addressing issue of conviction without state grand jury indictment violated due process rendering judgment void as well as ineffective assistance of plea counsel to know this or should have known this and still under these circumstances advising petitioner to plea guilty to 6 years 85% most serious offense.

Certificate And Contralling effect of Substantial
Grounds not Previously Presented.

page 1,1

Petitioner States under penalty of perjury that all statements stated herein today are true and correct so help me God. The petitioner states that this petition is not done in bad faith but is done in good faith to bring about justice in a manner where justice is very much need with due process state/federal equal protection of the laws in the deliberate failure of the Chief Administrative Judge for the Ninth Judicial Circuit Roger Young SR, PCR Judge R Leirle Griffin & PCR Judge Kristi F. Curtis willful deliberate failure to enter Judgment on Lemma void Judgment, sentence plea, & conviction based upon summary Judgment motion, motion for Relief from void Judgment SERCP Rule 60(b)(4), Smith v. Sanders, Ware v. Ware, motion to vacate void sentence/Judgment based on SERCP rule 60(b)(4), pro se proposed order sent to the Honorable Judge Roger Young SR Chief [REDACTED] Administrative Judge Roger Young SR of Ninth Circuit Charleston County SC., writ of mandamus filed with the United States Supreme Court raising all issues and allegations stated herein along with the additional allegations stated herein not previously presented in original petition of writ of mandamus.

(1) Due Process Violation Conviction Without Grand
Jury Indictment or Signed Waiver

Petitioner states that his Judgment is void due to the fact that his conviction for attempted armed robbery, in which the petitioner pled guilty to on 10/21/21 before the Honorable Judge Jefferson was based upon fraud, misrepresentation, and without full disclosure of evidence, further in violation of Due Process, Due to the fact that the Petitioner was convicted without grand jury indictment or signed waiver of indictment in which is required and mandatory before Judge accepting guilty plea. SC Code Ann § 17-19-16, S.C. Const. Art I § 11 and the case of State v. Clark 470 SE2d 54 (1994), Phillips v. State 314 SE2d 313 (1984), State v. Daniel McNeil 445 SE2d 461 (1994) State v. Clark 523 SE2d 817 (1999) American Jurisprudence Second Edition May 2022 Section 35 Availability of habeas Corpus relief due to lack of indictment or failure to indict. Further stating in SC Code Ann § 17-23-130, and SC Code Ann § 17-23-140 indictment waiver must be in writing only and not orally. Petitioner states that conviction without this procedure [REDACTED] renders plea, conviction and sentence void, invalid, and unconstitutional further violation of Due Process and ineffective assistance of counsel. Failure of All Three Judges to enter Judgment addressing these issues on motions in support of PCR Application 17 month unduly delay on Judgment by judges on these issues with the default thereof is an abuse of discretion for court and Judge to refuse to enter a judgment on these issues are unconstitutional. Thus further Substantial grounds not previously presented. The petitioner certifies and states under penalty of perjury that all statements stated herein are true and correct so help me God petition further is being brought in good faith in order to ensure justice with Judgment entered on our going issues pending before the court without unduly delay and within a reasonable amount of time as per due process of law heard within reasonable amount

(4) Suggestive one-on-one showup Procedure
Failure To Have Neil v. Biggers Hearing

page 2.1

Petitioner states that conviction without Neil v. Biggers hearing on invalid so-called one-on-one show-up identification after requesting of plea counsel to request such hearing further requesting to have such identification suppressed. Further without counsel present during invalid one-on-one show-up identification while petitioner was in back of EMS truck from 20 yards away being treated for mental health related issues and other physical health related issues. Petitioner requested of counsel to request hearing on so-called identification when the petitioner received Rule 5 from plea counsel a few weeks or two ago it shows that there was no identification ever made by no one except two victims in which stated on Photo Line up form and statement stating that they were not able to make identification of the Applicant at all due to suspect wearing face mask further [REDACTED] picking same suspect other than petitioner thus counsel was ineffective in this manner and by knowing these stated facts and under these circumstances still advising the petitioner to plea guilty thus fraud, due process violation, misrepresentation, perjury conspiring with solicitor to get the petitioner to plea guilty knowing this and further done in bad faith without FULL DISCLOSURE OF Rights render guilty plea further invalid as well as judgment void due to violation of due process State/Federal conviction without this procedure and for Judge to not enter judgment on 17 months unduly delay in PCR hearings and based upon PCR motions in relation to PCR Retention for Judges All three to refuse to enter judgment in this matter on these issues 17 months and counting is a due process violation and matter where writ must be issued to ensure justice in this case and judgment to do otherwise would be an abuse of discretion, error of law and violation of equal protection of the laws. This issue raised for first time by mandamus and substantial grounds not previously presented done in good faith to ensure justice in PCR unduly 17 month judgment delay on motions of PCR related. (5) Failure To Have A State v. Blair Hearing
ONCE FOUND INCOMPETENT BEFORE GUILTY PLEA

Petitioner states that conviction is void due to conviction without State v. Blair Hearing after the petitioner was found to be incompetent before guilty plea and sent to state mental health center Just Care in Columbia SC as in accordance with State v. Blair and SC Code Ann. § 44-23-430, 44-23-410 further in which is mandatory. Before Judge can accept guilty also equal protection of the laws State/Federal due process violation rendering judgment void further ineffective assistance of counsel to still know this and under these circumstances advise the petitioner to plea guilty rendering judgment void therefore due process violation. PCR Judges and Chief Administrative Judge in error abuse of discretion to still knowing these stated facts refuse to enter judgment on these issues presented by motions in connection with PCR petition 17 month and counting unduly delay due process violation judgment not entered within a

LEGAL MAIL ONLY

STATEMENT OF FACTS

Page ~~100~~ 3:1

Petitioner (Plaintiff) states under penalty of perjury that all statements stated herein is true and correct so help me God. on Nov 07, 2023 I Jerome Curry [Flesh And Blood man] Tribe of Juda states that I was denied lunch because meat was on my lunch tray and I am veggie diet due to faith belief Hebrew Israelite Jew Judaism and further due to my health high blood sugar diabetes in which runs in my family mother and father's side both grandmother has sugar diabetes mother means had it before death and father mother had it now as well as uncle just lost one of his legs due to this and little brother has it too. Everytime I am forced to eat meat on my tray other than fish or chicken my feet left and right swells up very bad making it hard to walk I have to stay in the bed with feet up in air for at least 72 hours not able to walk while legs and feet hurts so bad cannot put a sock on feet. LT Pressley saw my feet like this, officer Mrs. Benjamin, Warden Tisdale, Chaplain in which Chaplain stated I would be on waiting list been on waiting list for veggie tray fruits and veggie peanut butter and bread with cakes in package only along with orange juice drink only meat fish or chicken as per faith belief Hebrew Israelite Jew/Moorish Temple follower Nobel Drew Ali. If I do not accept tray with meat on their I get nothing to eat period officer Mr. Benjamin did this to me also a few times LT Pressley also. Yet they do not put pork on muslim trays and if muslims do not accept that they do not state well muslim don't get to eat nothing then. Cruel punishment, equal protection of the laws discrimination,

Plaintiff further states on Nov 07, 2023 inmate in cell #4 or #5 Rhu unit or cell on same row as cell #11 few cells down a way from my cell at dinner time this inmate refuse to allow officer to close his flap same officer in front of LT Pressley try to slam my right injured hand inside flap slamming lid on right hand injured hand trying to broke my right hand that has brace carpal tunnel and nerve damage all because on that day meat was placed on my plate that day also and I told this same black male on video Cam

of Rhu unit north wing cell #11 that he need to call ~~rester~~ Leister to have my peanut butter and bread sent from Leister for night needs ordered by mental health doctor on 9/12/13 in which this officer made it upon himself to place hands on me stating if I don't accept or eat tray with meat on their I eat nothing at all LT Pressley was right there allowed him to try and broke my hand by slamming lid on right hand. Only reason I did no respond or stab him like my mind told me to is due to LT Pressley standing there telling me to let her close flap. If I knew she was evil and full of the devil I would have never allowed her to close flap I was denied food that day also. Nov Cell few doors down from me on Nov 07, 2023 refused to allow this same officer to close his flap this same officer blackmale along with LT Pressley stood down there talking pleading with this inmate for at least 15 mins or more before leaving his cell door they did not slam his hands in the flap for that placed sign on his cell door stating if inmate is not at back of cell during feeding time you do not have to feed this inmate they did not grab his hands and slam lid on his hands pushing down trying to broke his hands nor did anyone grab his hands trying to twist and broke it until he had to stab officer in order to get free otherwise officer would have broken wrists and arm right across already injured due to on the job injury right hand getting caught in meat grinder at work causing nerve damage pain management still recovering operation and therapy to fix this violation of equal protection of the laws. I am treated like a slave with no rights at all worst than a slave I should therefore act like a slave then Democratic

CASES IN SUPPORT OF Mandamus

page ■■■ 4

The petitioner is using this writ of mandamus not to direct the inferior court how to proceed but only that it must proceed, according to its own judgment to a final determination otherwise cannot be reviewed in the Appellate Court *Kendall v. United States* 37 US 524, 12 Peters 524, 526, 9 L. Ed. 1101 (1838), Exceptional Circumstances Warrant the Exercise of the Court's Discretionary Powers

Petitioner asserts that exceptional circumstances exist due to the unjustful delays by the time court rules on case in circuit court along with appeals by state the petitioner will still be forced to serve whole known void sentence of 6 years 85% petitioner max out date on known void conviction is June of 2025 therefore even if the petitioner case is vacated he will still have served whole void judgment and sentence. Thus an abuse of discretion for a court to see known void judgment and refuse to vacate void judgment is more than just an error of law or abuse of discretion its a total disregard to the laws, constitution and justice period. The whole judicial system needs to be reform with new judges along with new legislatures allowing such unconstitutional deprivation of protected rights that have been in control for over 200 years the United States is governed by the Constitution in which is supreme law of the Land.

Further mandatory and must be upheld and honored when not so as the Constitution states that the power is in the people and when you deny a [Flesh And Bloodman] natural person citizen of the United States as well as the State of South Carolina known for paying citizen to be deprive of such right he has right to petition Congress and legislature to have such governmental official removed. It seems as if the judicial system is in support of the Confederacy to uphold that then to uphold the Constitution, If I cannot get my rights upheld within my own state and government I see no other choice but to petition the United Nations with a Human Rights violation and lawsuit against the United States of America and the Supreme Court of the United States as well as against the legislatures with the government branches for allowing this inhumane treatment since my claims are falling on deaf ears and Blind eyes.

Petitioner further states that exceptional circumstances exist with the issue at hand due to the fact that Petitioner's hands are tied on proceeding forth until judgment in which the lower courts as well as the South Carolina Supreme Court refuses to issue decision or judgment in PCR case 17 months and counting since the filing of PCR 5/2/22

CASES IN SUPPORT OF MANDAMUS

page 5
In the PCR Court's ruling, in fact Petitioner did ~~not~~ a month prior to all PCR hearings Petitioner sent PCR Judges, Attorney General Danielle Dixon, and Chief Administrative Judge Roger Young SR. of the Ninth Judicial Circuit proposed orders raising all issues stated herein this writ of mandamus. And at every hearing the Petitioner ~~did~~ asked the Attorney General if she had any documents showing and proving petitioner was indicted and that sentence is not void with documentation in support thereof as justification for conviction. Not one time have the Attorney General provided court with records or documents at all whatsoever Attorney further has failed to answer any of the petitioner motions, proposed orders or PCR Allegations and also in default over 5 times yet still allowed to proceed on, get extensions, present sham evidence, based upon known perjury, instead of vacating known void judgments.

Thus abuse of power, abuse of process, abuse of use of governmental use of office malicious prosecution, fraud, all done in bad faith yet still allowed to go forward.

If the petitioner had done this once petitioner's case would have gotten dismissed what is default? Default occurs when a party fails to timely plead or otherwise defend a claim for affirmative relief. The result is that the defaulting party is deemed to have admitted the well-pleaded allegations of fact alleged in the claim and to have conceded liability.

A default judgment is based upon a party's failure or omission to take a necessary step in a court action within the proper time, default occurs when a party fails to timely plead or otherwise defend a claim. *Quicken Loans Inc v. Jenkins*, Default Judgment entered on petition for post-conviction relief when petitioner failed to timely respond to circuit court's order conditionally dismissing petition was not appealable *Edith V. Stake* 632 S.E2d 844 (2006), American Jurisprudence Second Edition Section 245 Failure to appear and plead as grounds for default judgment generally, failure to file an answer is default.

Black's Law Dictionary (11th ed 2019)

Default Judgment: A ~~judgment~~ judgment against a defendant who has failed to plead or otherwise defend against a plaintiff's claim.

Certificate And Contralling effect of Substantial
Grounds not previously Presented.

page 2 of 6

Petitioner States under penalty of perjury that all statements stated herein today are true and correct so help me God. The petitioner states that this petition is not done in bad faith but is done in good faith to bring about justice in a manner where justice is very much need with due process state/federal equal protection of the laws in the deliberate failure of the Chief Administrative Judge for the Ninth Judicial Circuit Roger Young SR., PCR Judge R. Kirk Griffin & PCR Judge Kristi F. Curtis willful deliberate failure to enter Judgment on known void judgment, sentence plea, & conviction based upon summary judgment motion, motion for relief from void judgment SERCP Rule 60(b)(4), Smith v. Sanders, Ware v. Ware, motion to vacate void sentence/judgment based on SERCP rule 60(b)(4), pro se proposed order sent to the Honorable Judge Roger Young SR. Chief Administrative Judge Roger Young SR. of Ninth Circuit Charleston County SC., writ of mandamus filed with the United States Supreme Court raising all issues and allegations stated herein along with the additional allegations stated herein not previously presented in original petition of writ of mandamus.

(1) Due Process Violation Conviction Without Grand
Jury Indictment or Signed Waiver

Petitioner states that his Judgment is void due to the fact that his conviction for attempted armed robbery, in which the petitioner pled guilty to on 10/21/21 before the Honorable Judge Jefferson was based upon fraud, misrepresentation, and without full disclosure of evidence, further in violation of Due Process, due to the fact that the Petitioner was convicted without grand jury indictment or signed waiver of indictment in which is required and mandatory before Judge accepting guilty plea. SC. Code Ann § 17-19-16, SC Const. Art I § 11 and the case of State v. Clark 470 SE2d 54 (1996), Phillips v. State 314 SE2d 313 (1984), State v. Daniel McNeil 445 SE2d 461 (1994) State v. Clarkson 523 SE2d 817 (1999) American Jurisprudence Second Edition May 2022 Section 35 Availability of Habeas Corpus relief due to lack of indictment or failure to indict. Further stating in SC Code Ann § 17-23-130, and SC Code Ann § 17-23-140 indictment waiver must be in writing only and not orally. Petitioner states that conviction without this procedure renders plea, conviction and sentence void, invalid, and unconstitutional further violation of due process and ineffective assistance of counsel. Failure of All Three Judges to enter Judgment addressing these issues on motions in support of PCR Application 17 month undue delay on Judgment by Judges on these issues with the default thereof is an abuse of discretion for Court and Judge to refuse to enter a Judgment on these issues are unconstitutional. Thus further Substantial grounds not previously presented. The Petitioner certifies and States under penalty of perjury that all statements stated herein are true and correct so help me God petition further is being brought in good faith in order to ensure justice with Judgment entered on our going issues pending before the Court without undue delay and within a reasonable amount of time as per due process of law heard within reasonable amount of time. Speedy trial in order to ensure justice.

(4) Suggestive one-on-one showup Procedure
Failure To Have Neil V. Biggers Hearing

page 7.1

Petitioner states that conviction without Neil V. Biggers hearing on invalid so-called one-on-one show-up identification after requesting of plea counsel to request such hearing further requesting to have such identification suppressed. Further without counsel present during invalid one-on-one show-up identification while petitioner was in back of EMS truck from 20 yards away being treated for mental health related issues and other physical health related issues. Petitioner requested of counsel to request hearing on so-called identification when the petitioner received Rule 5 from plea counsel a few weeks or two ago it shows that there was no identification ever made by no one except two victims in which stated on Photo Line up form and statement stating that they were not able to make identification of the Applicant at all due to suspect wearing face mask further [REDACTED] picking same suspect other than petitioner thus counsel was ineffective in this manner and by knowing these stated facts and under these circumstances still advising the petitioner to plea guilty thus fraud, due process violation, misrepresentation, perjury conspiring with solicitor to get the petitioner to plea guilty knowing this and further done in bad faith without FULL DISCLOSURE OF Rights render guilty plea further invalid as well as judgment void due to violation of due process State/Federal conviction without this procedure and for Judge to not enter judgment on 17 months unduly delay in PCR hearings and based upon PCR motions in relation to PCR petition for Judges All three to refuse to enter judgment in this matter on these issues 17 months and counting is a due process violation and matter where writ must be issued to ensure justice in this case and judgment to do otherwise would be an abuse of discretion, error of law and violation of equal protection of the laws, This issue raised for first time by mandamus and substantial grounds not previously presented done in good faith to ensure justice in PCR unduly 17 month judgment delay on motions of PCR relate. (5) Failure To Have A State V. Blair Hearing
ONCE FOUND INCOMPETENT BEFORE GUILTY PLEA
motions to PCR.

Petitioner states that conviction is void due to conviction without State V. Blair Hearing after the petitioner was found to be incompetent before guilty plea and sent to state mental health center Just Care in Columbia SC as in accordance with State V. Blair and SC Code Ann. § 44-23-430, 441-23-410 further in which is mandatory. Before Judge can accept guilty also equal protection of the laws State/Federal due process violation rendering judgment void further ineffective assistance of counsel to still know this and under these circumstances advise the petitioner to plea guilty rendering judgment void therefore due process violation. PCR Judges and Chief Administrative Judge in error abuse of discretion to still knowing these stated facts refuse to enter judgment on these issues presented by motions in connection with PCR petition 17 month and counting unduly delay due process violation judgment not entered within a

LEGAL MAIL ONLY

STATEMENT OF FACTS

Page 8

Petitioner (Plaintiff) states under penalty of perjury that all statements stated herein is true and correct so help me God. on Nov 07, 2023 I Jerome Curry [Flesh And Blood man] Tribe of Juda states that I was denied lunch because meat was on my lunch tray and I am veggie diet due to faith belief Hebrew Israelite Jew Judaism and further due to my health high blood sugar diabetes in which runs in my family mother and father's side both grandmother has sugar diabetes mother never had it before death and father mother had it now as well as uncle just lost one of his legs due to this and little brother has it too Every time I am forced to eat meat on my tray other than fish or chicken my feet left and right swells up very bad making it hard to walk I have to stay in the bed with feet up in air for at least 72 hours not able to walk whole leg and feet hurt so bad cannot put a sock on feet. LT Pressley saw my feet like this, officer Mr. Benjamin, Warden Tisdal, Chaplain in which Chaplain state I would be on waiting list been on waiting list for veggie tray, fruits and veggie peanut butter and bread with cakes in package only along with orange juice drink only meat fish or chicken as per faith belief Hebrew Israelite Jew / Maurish Temple Follower Nobel Drew Ali. If I do not accept tray with meat on their I get nothing to eat period officer Mr. Benjamin did this to me also a few times LT Pressley also. Yet they do not put pork on Muslim trays and if muslims do not accept that they do not State well Muslim don't get to eat nothing then. Cruel punishment, equal protection of the laws discrimination,

Plaintiff further states on Nov 07, 2023 inmate in cell #4 or #5 thru unit or cell on same row as cell #11 few cells down a way from my cell at dinner time this inmate refuse to allow officer to close his flap same officer in front of LT. Pressley try to slam my right injured hand inside flap slamming lid on right hand injured hand trying to break my right hand that has brace carpal tunnel and nerve damage all because on that day meat was placed on my plate that day also and I told this same black male on video Cam

of thru unit north wing cell #11 that he need to call master Leisten to have my peanut butter and bread sent from Leisten for night meals ordered by mental health doctor on 9/12/13 in which this officer told it upon himself to place hands on me stating if I don't accept or eat tray with meat on their I eat nothing at all LT Pressley was right there allowed him to try and break my hand by slamming lid on right hand. Only reason I did no respond or stab him like my mind told me to is due to LT Pressley standing there telling me to let her close flap. If I knew she was evil and full of the devil I would have never allowed her to close flap I was denied food that day also was Cell few doors down from me on Nov 07, 2023 refused to allow this same officer to close his flap this same officer black male along with LT Pressley stood down there talking pleading with this inmate for at least 15 mins or more before leaving his cell door they did not slam his hands in the flap for that placed sign on his cell door stating if inmate is not at back of cell during

feeding time you do not have to feed this inmate they did not grab his hands and slam lid on his hands pushing down trying to break his hands nor did anyone grab his hands trying to twist and break it until he had to stab officer in order to get free otherwise officer would have broken wrists and arm right arm already injured due to on the job injury right hand getting caught in meat grinder at work causing nerve damage pain management still requiring operation and therapy to fix this violation of equal protection of the laws. I am treated like a slave with no rights at all worst than a slave I should therefore act like a slave then Denmark Vessey Brought from west Africa brought to Charleston SC

CASES IN SUPPORT OF MANDAMUS

page 9

The petitioner is using this writ of mandamus not to direct the inferior court how to proceed but only that it must proceed, according to its own judgment to a final determination otherwise cannot be reviewed in the Appellate Court *Wendell v. United States* 37 US 524, 12 Peters 524, 526, 9 L. Ed. 1101 (1838), Exceptional Circumstances Warrant the Exercise of the Court's Discretionary Powers

Petitioner asserts that exceptional circumstances exist due to the unjustful delays by the time court rules on case in circuit court along with appeals by state the petitioner will still be forced to serve whole known void sentence of 6 years 85% petitioner may not date on known void conviction is June of 2025 therefore even if the petitioner case is vacated he will still have served whole void judgment and sentence. Thus an abuse of discretion for a court to see known void judgment and refuse to vacate void judgment is more than just an error of law or abuse of discretion its a total disregard to the laws, constitution and justice period. The whole judicial system needs to be reform with new judges along with new legislatures allowing such unconstitutional deprivation of protected rights that have been in control for over 200 years the United States is governed by the Constitution in which is supreme law of the Land.

Further mandatory and must be upheld and honored when not so as the Constitution states that the power is in the people and when you deny a [Flesh And Bloodman] natural person citizen of the United States as well as the State of South Carolina known not paying citizen to be deprive of such right he has right to petition congress and legislature to have such governmental official removed. It seems as if the judicial system is in support of the confederacy to uphold that then to uphold the Constitution, If I cannot get my rights upheld within my own state and government I see no other choice but to petition the United Nations with a Human Rights violation and lawsuit against the United States of America and the Supreme Court of the United States as well as against the legislatures with the government branches for allowing this inhumane treatment since my claims are falling on deaf ears and Blind eyes,

Petitioner further states that exceptional circumstances exist with the issue at hand due to the fact that Petitioner's hands are tied on proceeding forth until judgment in which the lower courts as well as the South Carolina Supreme Court refuses to issue decision or judgment in PCR case 17 months and counting since the filing of PCR 5/2/22

CASES IN SUPPORT OF MANDAMUS

page 10
In the PCR Court's ruling, in fact Petitioner did ~~not~~ a month prior to all PCR hearings Petitioner sent PCR Judges, Attorney General Danielle Dixon, and Chief Administrative Judge Roger Young SR. of the Ninth Judicial Circuit proposed orders raising all issues stated herein this writ of mandamus. And at every hearing the Petitioner ~~did~~ asked the Attorney General if she had any documents showing and proving petitioner was indicted and that sentence is not void with documentation in support thereof as justification for conviction. Not one time have the Attorney General provided Court with records or documents at all whatsoever Attorney further has failed to answer any of the petitioner motions, proposed orders or PCR Allegations and also in default over 5 times yet still allowed to proceed on, get extensions, present sham evidence, based upon known perjury, instead of vacating known void judgments.

Thus abuse of power, abuse of process, abuse of use of governmental use of office malicious prosecution, fraud, all done in bad faith yet still allowed to go forward.

If the petitioner had done this once petitioner's case would have gotten dismissed what is default? Default occurs when a party fails to timely plead or otherwise defend a claim for affirmative relief. The result is that the defaulting party is deemed to have admitted the well-pleaded allegations of fact alleged in the claim and to have conceded liability.

A default judgment is based upon a party's failure or omission to take a necessary step in a court action within the proper time, default occurs when a party fails to timely plead or otherwise defend a claim. Quicken Loans Inc v. Jenkins, Default Judgment entered on petition for post-conviction relief when petitioner failed to timely respond to circuit court's order conditional dismissing petition was not appealable Edith v. Stake 632 SE2d 844 (2006), American Jurisprudence Second Edition Section 245 Failure to appear and plead as grounds for default judgment generally, failure to file an answer is default.

Black's Law Dictionary (11th ed 2019)

Default Judgment = A ~~judgment~~ - judgment against a defendant who has failed to plead or otherwise defend against a plaintiff's claim.

CASE IN SUPPORT OF Mandamus

page 11

The law states Before a writ of mandamus will be issued, a petitioner must meet three conditions for the writ to succeed. The three hurdles, however demanding, are not insuperable. *Cheney*, 542 U.S. at 381, 159 L.Ed. 2d 459, 124 S.Ct 2576. The writ will be in Aid of the Court's Jurisdiction. The first criteria for this petitioner to surmount the odds of having this Court grant the mandamus in his favor is the petitioner must satisfy the burden of showing that his right to issuance of the writ is clear and indisputable. *Herr V. United States District Court* 426 U.S 394, 403, 48 L.Ed 725, 96 S.Ct 2119 (1976)

Petitioner has waited 15 months and counting for a ruling on void judgment conviction without grand jury indictment either petitioner was indicted or not. Petitioner filed the following motions motion to Amend PCR filed with Clerk of Court Julie J. Armstrong Charleston County 6/13/22, motion to Amend/motion For Relief From void Judgment as in accordance with SCRC Rule 60(b)(4), 6/15/22, motion For Summary Judgment due process violations/subject matter jurisdiction 6/21/22, Pro, se proposed orders dated 4/24/23, 4/10/23 before Chief Administrative Judge Roger Yang SR., further petitioner had PCR hearing on April 19, 2023, before the Honorable Kirk Griffin, no ruling or judgment, on June 27, 2023 petitioner had another PCR hearing before the Honorable Judge Kristi F. Curtis still no ruling or judgment entered, on April 24, 2023 petitioner was advised by PCR Judge Kirk Griffin to put in pro se proposed order to Chief Administrative Judge for the Ninth Judicial Circuit Roger Yang SR. in which petitioner did raising same issues stated within writ of mandamus and issues raised with all motions conviction without grand jury indictment due process violation therefore ineffective assistance of counsel rendering judgment void and should have been vacated as in accordance with the law.

A void judgment is if no judgment at all as according to law cannot be supported upheld, affirmed, or enforced but must be vacated as per due process and equal protection of the laws to fair and equal treatment in which petitioner was denied to have known void judgment vacated further an abuse of discretion, error of law. petitioner further states that the Attorney General has already been in default over 5 times in this PCR action. This petition for Rehearing is done in good faith and not in bad faith

Like the Attorney General's delay of known void judgment conviction without indictment 15 months and still counting knowing I was never indicted. further stating in return that petitioner was indicted by grand jury and plead guilty as indicted thus perjury and fraud further with sham and false grand jury indictment in which was not presented to petitioner until after another plea was stated later on. In Pro se

CASES THE SUPPORT OF Mandamus

Page 12

The Supreme court stated that the power to issue the writ of mandamus to the circuit courts is exercised by the court to compel the circuit court to proceed to a final judgment. The writ of mandamus is the sole vehicle to accomplish the task sought by petitioner as a function of mandamus in aid of appellate jurisdiction. The petitioner cannot go forward with his case or appeal unless the circuit court or chief Administrative judge enters judgment. The petitioner has followed all necessary steps of the procedures stipulated to obtain the right to have known void judgment vacated with circuit court entering a judgment 15 months and counting with undue delays by Attorney General without rightful justification done in bad faith and for delay of case in violation of due process to be heard within a timely manner.

Where main issue of case is whether petitioner was convicted without grand jury or not there is no need for a 15 months and counting delay of judgment concerning that issue. Did I get convicted with grand jury indictment or not. If not why judgment is being delayed and conviction not vacated. Attorney General further failed to provide court with any documents to support conviction show petitioner was indicted and conviction, plea, and sentence is valid.

Petitioner writ of mandamus before the court is not done in bad faith such as to circumvent the writ process or PCR process or to use the writ of mandamus as a substitute for an appeal. Petitioner further filed a writ of mandamus with the highest court in South Carolina the Supreme Court of South Carolina received by Clerk of Supreme Court Oct 13, 2022 stamped received in which the Clerk of Court Patricia A. Howard sent letter stating that since petitioner is represented by PCR Counsel at that time Christopher L. Murphy no action will be taken on pro se petition for writ of mandamus. Petitioner requested of PCR Counsel at that time to put in writ of mandamus on his behalf Counsel refused. Even though a writ of mandamus is a hybrid proceeding petitioner was denied therefore as a result of this denial letter dated October 13, 2022 from Clerk of South Carolina Supreme Court the petitioner had no other remedy but by writ to the United States Supreme Court in which petitioner did file Feb 10, 2023 in which Clerk Scott S. Harris stated in letter since there is no judgment in PCR case or order no action can be taken on petitioner writ of mandamus in which circuit court refuse to enter judgment 15 months and counting still not judgment entered on known void judgment just more unjustful delays knowing petitioner was never indicted indicted. So

It has been said by the Courts that relief from void judgment pursuant to Fed. R. Civ. P. 60(b)(4) or a similar state rule is mandatory not discretionary. S.C.R.C.P. Rule 60(b)(4) when motion for relief from judgment is based on the allegation that judgment is void, there is no question of discretion in the grant or denial of relief either judgment is void or it is valid and courts must act accordingly.

A void judgment under rule providing that court may relieve a party from void judgment is one that, from its inception is a complete nullity and is without legal effect. S.C.R.C.P. Rule 60(b)(4) *Universal Benefits, Inc v. McKinney* 349, S.C. 179, 561 SE2d 659 (Ct. App. 2002) A judgment of a court without subject matter jurisdiction, personal jurisdiction, and violation of due process is void and constitutes grounds for the court to vacate the judgment on motion for relief from judgment Rules of Civil Proc. Rule 60(b)(4) *Gainey v. Gainey* 675 SE2d 792 (S.C. Ct App 2009)

Definition of "void" under rule allowing attack on judgments as void encompassed only judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction. *McDaniel v. US Fidelity And Guar Co.* 478 SE2d 868 (S.C. App. 1996), *Innovative Waste Management Inc v. Crest Energy Partners GP LLC* 815 SE2d 780 (S.C. Ct App. 2018)

American Jurisprudence, Second Edition May 2022 update section 25 Void Judgments states:

If it is determined that a judgment is void it is as though such proceeding had never occurred the judgment is a mere nullity and the parties are in the same position as if there had been no judgment. A void judgment is in legal effect no judgment no rights are acquired or divested by it, it neither binds nor bars anyone, and all proceedings founded upon it are worthless.

Findings OF Fact & Conclusion of Law

page 14

Petitioner hereby states under penalty of perjury that all statements and issues raised herein this petition for rehearing as in accordance with the supreme court Rule 44 are true and correct so help me God. Petitioner further states that he would like to petition court with leave to proceed with this Rehearing and have Rehearing by Individual Justices as in accordance with Supreme Court Rule 22 to be heard by Chief Justice or Junior Justice only and not by any clerk.

Petitioner states that this Rehearing is not being filed as a form of appeal nor to make court enter judgment that he wants but to make a judgment on issue of conviction without indictment rendering judgment void or not. Is petitioner conviction void or valid court has been delaying whether conviction is void due to conviction without any grand jury indictment the courts refuses to rule on that issue after 3 hearings over 5 motions raising these issue along with pro se proposed order sent to Chief Administrative Judge Roger Young Sr of Ninth Judicial Circuit Charleston County South Carolina.

As stated above by petitioner issue of whether petitioner was indicted or not by the state grand jury prior to conviction does not warrant a 17 month delay of a decision or judgment either petitioner was indicted by state grand jury or not if not judgment is void therefore and must be vacated unless state shows proof documentation of state grand jury for the offense of attempted armed robbery on Oct 21, 2021 this delay is a showing of a denial of a constitutional right. The Supreme Court cases stated the courts may issue a writ of mandamus on the ground that undue delay is tantamount to a failure to exercise jurisdiction *IDS Life Ins. Co. v. Sun America* 103 F.3d 524, 526 (CA7 1996) (Delay that is utterly unjustified and is causing irreparable harm is, it is true, a ground for mandamus.); *Jones v. Shell*, 572 F.2d 1278, 1280 (CA8 1978) (busy court docket cannot justify fourteen-month delay in processing claim from date of remand; crowded dockets do not excuse compliance with rules and statutes); *Tolson v. Rogers* 917 F.2d 1283, 1284-85 (CA10 1990) granting a writ of mandamus based on fourteen-month delay in district court's processing of 28 U.S.C. § 2241 petition); *Telecommunications Research & Action Center v. FCC* 750 F.2d 70, 79 (CA DC 1984) (In the context of a claim of unreasonable delay, the first stage of judicial inquiry is to consider whether the delay is so egregious as to warrant mandamus). Federal courts have a strict duty to exercise the jurisdiction that is conferred upon them by Congress see e.g. *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 821 47 L.Ed 2d 483, 96 S.Ct 1226 (1976); *England v. Louisiana Bd. of Medical Examiners*, 375 U.S. 411, 415, 11 L.Ed 2d 440, 84 S.Ct 461 (1964) When a federal court is properly appealed to in a case over which it has by law jurisdiction, it is its duty to take such jurisdiction. Based upon all these stated facts stated herein this petition for Rehearing Court must compel Judge Young to enter judgment failure to do so would be a denial of justice, due process, fair, just proceeding in writ of mandamus. equal protection of the law.

DAMAGES DUE TO CIVIL RIGHTS VIOLATIONS

- page 151
- (1) As a result violation of my civil rights, constitutional rights, and human rights subject to the inhumane treatment with cruel punishment I have nights were I am up all night not able to sleep roaches and ants biting and crawling all over me. I rather be label as a rat or snitch anyday then a sell-out or Uncle Tom I can live with being a rat or snitch but not sell out to my own people they have been oppressed long enough I rather die a billion times what profit a man or woman to gain the whole world for their soul
- (2) As a result of violation of my civil Rights, constitutional rights, and human rights, subject to the willful deliberate inhumane treatment I see dead faces my dead friends Antwan Gantt, Eddie Alexander, civil Rights leader Denmark Vessey all dead but inside of my cell talking to me giving me support guidance, comfort and answers, malcom X, Ored Scott waft Turner, Henry P. Newton, Geronimo Pratt, Tupac Shakur, Telling me my time will come the oppression of me will soon come to an end they all died for me to not be oppressed I am the fulfillment of the promise the last of my kind and tribe and to be strong hold on never give up. I have hate in my heart because of violations lost feelings for black women and men in the United States do not trust no American black men or women lost all love and respect for black men and women care less for black men and women in America United States.
- (3) As a result of violation of my civil Rights constitutional Rights and human rights subject to the willful deliberate inhumane treatment I am in and out of the state of depression. I have thoughts of being set up like malcom X & Denmark Vessey killed by officer & inmate that share the same skin tone as me. This I must say score me for life I will never forget the inhumane treatment will be shock if I do not become a serial killer due to their pure evil hatred done to me by people that share same skin tone and Black women suppose to be blackmen backbone pure evil lost respect
- (4) As a result of violation of my civil Rights constitutional Rights and human rights subject to the willful deliberate inhumane treatment I have nightmares of dying in prison being given something in my food or meds when I do get it I never wake back up I hear people talking plotting to kill me and have me killed and covered up like the mentally ill inmates in the case of TRU-South Carolina Dept of Corrections Case No. 2005-CP-40-2925. wish to have no dealings with Black America Southern States House represent Uncle Tom's Cabin
- (5) As a result of violation of my civil Rights constitutional Rights and human Rights subject to the willful deliberate inhumane treatment I am having racing thoughts see slave boats with thousands of slaves and more boats slaves getting off slave boats and placed in cells like the cell I am in being denied food, showers, fresh air, medical treatment, phone calls, sheets, blankets, towels, boxes, socks, medications for physical health as well as mental health, having to sleep on cotton from 1987 mat not issued out anymore because of white racist flooding of my cell on Oct 15, 2023, and Oct 20, 2023 with reward by staff for flooding me out from upstairs destroying Bible, prayers, pictures, poems, notes, Law Cases. while white racist mock me my race my family my roots DNA also stating I'm sick you mans in the ass with a broomstick while officer Mr Benjamin and LT Pressley Sgt Livingston reward him giving him extra trays food everyday as he state my white skin is still supreme you hate that don't you nigger boy Fuck black Jesus Allah and the God of Denmark Vessey and the Emanuel 9 Mother Emanuel Church downtown Charleston SC who Roof came and shot and killed 9 older people same church my best friend Damon Washington (Duck) was raped to rest at while I see and hear Damon Washington Duck and founder of this church the late great Denmark Vessey Civil Rights leader from Charleston SC brought from West Africa tell me you must not allow them to get away with this do what you have to do we support you.
- (6) As a result of my civil Rights constitutional Rights and human Rights subject to the willful deliberate inhumane treatment I have had head pains due to denial of health care my hernia keeps popping out, when I am forced to eat the meat they put in my tray due to health reasons high blood sugar my left and right feet and legs swell up with blood clots in there unable to stand and walk not able to put on socks because of that when I am not able to speak to my girlfriends mom Pam's Lanyer I have feelings of depression I had dream about my mom on Nov 06, 2023 I do not believe she is still alive family will not tell me because they know I will act up in prison my grandmom died while on this lock up in 2002 no one told me until my dad did one day because they knew I would act up reason for not telling me. My best friend was shot on this yard East yard in 2002 and reason why I was in riot in 2002 on east yard stabbing officers and inmates that shot my best friend while

LEGAL MAIL ONLY

DAMAGES DUE TO CIVIL RIGHTS

VIOLATIONS

page 16

- (8) As a result of rights violated civil Human and Constitutional rights violated along with being subject to inhumane treatment I have tooth pains keeping me up all night due to the denial of medical treatment for my teeth I have to suffer tooth pains without meds for pain.
- (9) As a result of rights violated civil Human and Constitution rights violated along with being subject to inhumane treatment I go to sleep at night cold due to denial of sheets and blankets since May 19, 2023 still denied after the filing of grievance requesting from Cpt Hunter, LT Pressley, Cpt Greene still denied never issued any mat at all still waiting on slapping mat since 5/19/23
- (10) As a result of rights violated civil Human and Constitutional right violated along with inhumane treatment due to not being allowed a tablet since 2/13/23 still denied even after filing grievances speaking with officers and warden knowing law library is on tablet and I have pro se pending cases representing myself case no: PCR 2022-CP-10-2017, 2022-CP-10-515, writ of mandamus United States Supreme Court No. 23-5218, Federal District Court of South Carolina Civil Rights lawsuit case no: 0:23-3255-TMC-PJG, knowing these stated facts I am still denied tablet and access to law library limited to only 3 cases printed to me no matter what in violation of Due Process, 1st Amendment access to free courts, cruel punishment, and equal protection of the laws violation. I am unable to present my case rightfully and perjure by being not allowed access to law library knowing this unconstitutional
- (11) As a result of rights violated civil Human and Constitutional rights violated along with inhumane treatment I am being denied to practice study my faith and belief Hebrew Israelite Jew/Judaism / observes Temple But Bible student Bible only on table By Nobel Drew Ali Been denied since 2/13/23 still denied as a result of this denial I am not able to practice my belief read bible I am force to read bible that is not connected to my faith and belief practices and I am also being force to still eat meat that kitchen keeps placing on my tray since 5/19/23 and after filing grievance advising warden Tisdal going to medical due to the swelling of my feet due to high blood sugar and being force to eat meat that is always placed on my tray I give form Chaplain to officer Mr. Benjamin a week ago to turn in to chaplain to put on kitchen so that I can get veggie tray with fruit veggies orange juice only meat fish and chicken with cake on package dairy product only with peanut butter and bread already ordered peanut butter and bread to be taken with mental health meds mandatory due to side effect of mental health meds must take with food in which I am being denied. As a result of this I am unable to think clearly and act at times snap fast have racing thoughts feelings of depression paranoid feelings hearing things seeing dead people everytime I request to see mental health counselor I am denied by mental health staff themselves and Co Correctional officers while they all saw all other treatment even though I am cant ordered then when react in uncooperative manner charged.

LEGAL MAIL ONLY

Petitioner Request that due to these willingly, willingly, reckless, malicious, ill will, & deliberate actions done By all the Respondents in this civil action instead of \$100 million in damages the petitioner ask and request on this Honorable Court not to only vacate known void Judgment but also award Punitive Damages in the amount of \$300 million Dollars half in Gold Bars half in US Paper money this is a total Request for all laws, Statute, rules, Constitutions, inhumane treatment, wrongful conviction, Pain & Suffering, Loss of Enjoyment of Life, Child Support loss wages for Business Educational awareness.org founded 2020 By Petitioner Student loans, workers comp care \$100,000, Medical Bills For on the Job injury \$50,000, Unemployment Benefits during Covid-19 \$20,000, Disability Benefit \$100,000, Mental Health treatment and counseling/medication \$100,000, Health Insurance \$150,000, Life Insurance \$1 million, Attorney Fees \$1 million, false Imprisonment \$7 million, false arrest 7 million, malicious Prosecution 7 million, Conspiracy to deprive petitioner of Civil & Constitutional Rights \$7 million, denial of Constitutional Rights to due process under U.S. Const. \$7 million, state Constitutional violations \$7 million, all state laws, Codes, rules, statutes, policy, Court Rules, Human Rights violation, 13th Amend. Const. violation \$11 million, 5th Amend Const. Violation \$11 million, 6th Amend Const. Violation \$11 million, 8th Amend. Const. violation state/federal \$11.5 million, abuse of use of governmental use of office Violation \$11 million, abuse of power \$11 million, Abuse of Process & unjustful delay \$50 million, death of sister \$20 million, loss of time with son \$20 million, Slander \$7 million, Perjury \$7 million, sham prosecution \$11 million, loss of future earnings \$500,000, Emotional Distress \$11 million, Humiliation \$30 million, Broken relationship with girlfriend \$20 million Damages to be adjusted by Chief Justices if feel in need to do so. Petitioner request that Court Put Freeze & Hold on all accounts, property, cars, boats, houses, land, Businesses, Gold Bars, and Bank Accounts all Bank Accounts savings, checking, Business Accounts, Personal Accounts 401k plans, Pensions until Payment in full has been Paid in full to the petitioner for Full amount Approved By Court & judgment vacated without delay on this day set forth.

CONCLUSION

(4) **TOTAL DAMAGE AWARD**
1.3 million For wrongful conviction 13 years unlawful conviction \$340,000 dollars for wrongful conviction of 40 months PLUS INTEREST

TOTAL DAMAGE AMOUNT
(1) 271 million Dollars Plus Interest
(2) 180,000 dollars PLUS INTEREST
(3) 300 million PLUS INTEREST

(5) **DAMAGE AWARD AMOUNT FOR ALL DAMAGES FOR ALL THREE CASES FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS PROSECUTION, INHUMANE PRISON CONDITIONS AND CONFINEMENT, CRUEL PUNISHMENT STATE/FEDERAL, DUE PROCESS VIOLATION, EQUAL PROTECTION OF THE LAWS. CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS, FRAUD, ABUSE OF PROCESS, ABUSE OF USE OF GOVERNMENTAL USE OF OFFICE, PERJURY, S.C. Code Ann. 16-9-10b, Subornation of Perjury (A)(1) (2) 42 USC Section 1985 Conspiracy To Interfere with Civil Rights (3) Depriving persons of Rights or Privileges FAKE BS HAM INDICTMENT NEVER PRESENTED TO ANY STATE GRAND JURY, ALONG WITH 68 LAWS, Statutes, RULES, Constitutional violations, Policies, State/Federal Constitutional violation, Including Human Rights, Criminal Charges of Conspiracy State/Federal, Legal Malpractice**

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Jenome Cuy (Fresh Blood man)
Jenome Cuy, Jenome Cuy (Fresh Blood man)

Date: 10/13/2023

AFFIDAVIT OF SERVICE

I Jerome Curry [FleshAndBloodman] Lion of tribe of Juda declare certify under penalty of perjury that I have marked petition for rehearing to the following addresser listed below by placing on the unit officer hands to be placed on prison mailbox to be mailed to the following address listed below on this 5th day of Dec 2023

The United States Supreme Court
OFFICE OF THE CLERK
Scilla S. Harris
Washington DC 20543-0001

South Carolina Attorney General Office
Parale Division / PCR Division
P.O. Box 11549
Columbia SC 29211-1549

Pro: re: 1st Jerome Curry [FleshAndBloodman] Lion of Tribe of Juda
Jerome Curry [FleshAndBloodman] Lion of Tribe of Juda
Lee Correctional Inst / E-7 cell 411
990 W. Rocky Highway
Bohannon SC 29010